

**BRUNEI DARUSSALAM 1944 - 1962: CONSTITUTIONAL AND POLITICAL
DEVELOPMENT IN A MALAY-MUSLIM SULTANATE**

2545

**A thesis submitted to
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Doctor of Philosophy**

by

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ABSTRACT

This is a study of constitutional and political development in Brunei Darussalam between 1944 and 1962. Responding to new forces unleashed by World War II, British planners in the Colonial Office embarked on a policy of promoting political progress in Brunei Darussalam with the aim of eventually introducing self-government, with the widest possible participation of the people of all communities. The thesis traces the origins of the Colonial Office's plan to introduce constitutional government in Brunei Darussalam; examines the evolution of the plan taking particular account of the obstructive intrusion of certain post-war developments which inevitably delayed the fruition of a full political advancement; and analyses the interaction between the local ruling elite, the British Colonial administration, and the Partai Rakyat Brunei (People's Party of Brunei). In the event the Brunei Darussalam Constitution, promulgated on 29 September 1959, failed to give full satisfaction to a large section of the people, causing in the end a rebellion which broke out on 8 December 1962. It also analyses the British plan to bring Brunei Darussalam in closer association with its neighbours in a loose federation. When this plan failed, the British put pressure on Brunei Darussalam to enter the Malaysia Federation, which inevitably gave impetus to the rebellion. In the end, Brunei Darussalam not only did not join the Malaysia Federation, it also chose not to adopt a democratic form of government. Instead, when it resumed its full independence on 1 January 1984, Brunei chose to be governed by a Sultan under the concept of Malay Islamic Monarchy.

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Awang Mohamad Yusop Damit.

October 1995.

In Memory of my late parents

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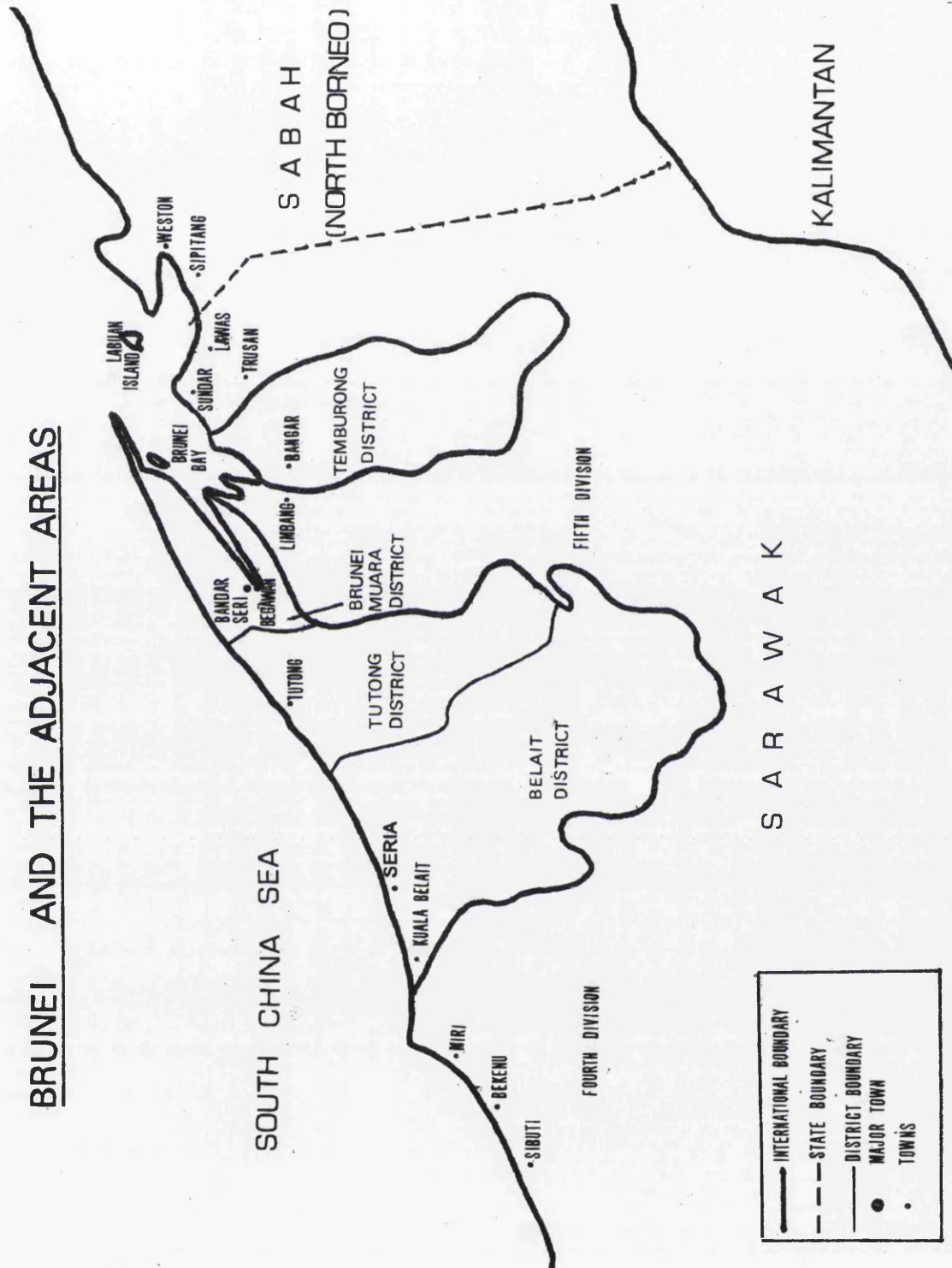
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ABBREVIATIONS

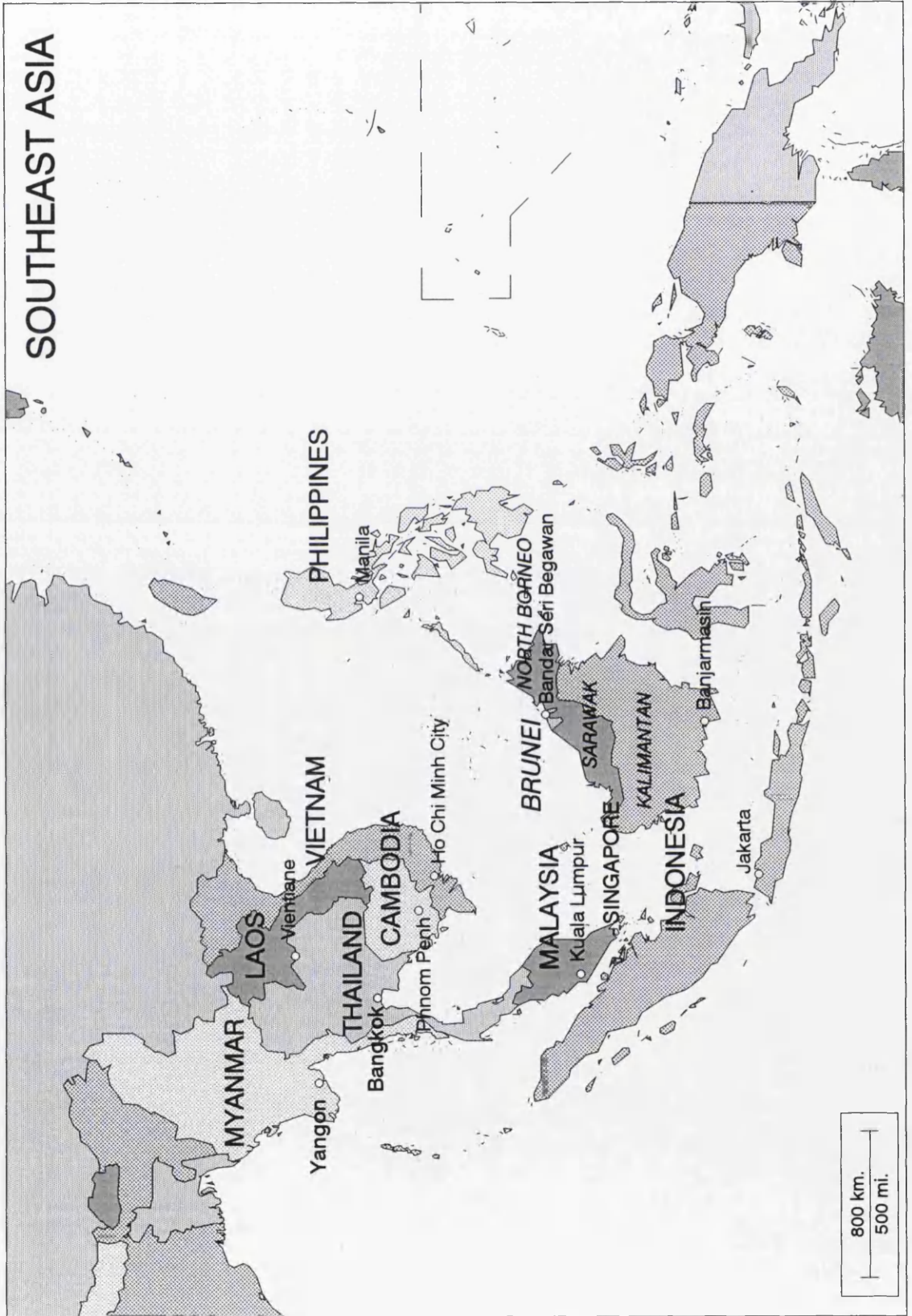
BA	Brunei (Museum) Archive
BAKER	Barisan Kemerdekaan Rakyat
BBCAU	British Borneo Civil Affairs Unit
BMA	British Military Administration
BMPC	British Malayan Petroleum Company
BNO	Brunei National Organisation
BPU	Borneo Planning Unit
BRO	British Resident's Office
BSPC	Brunei Shell Petroleum Company
BULF	Brunei United Labour Front
BUP	Brunei United Party
CAB	Cabinet Series
CCAO	Chief Civil Affairs Officer
CO	Colonial Office
DO	Dominion Office
FO	Foreign Office
MCS	Malayan Civil Service
PRB	Partai Rakyat Brunei
PRM	Partai Rakyat Malaya
MTA	Malay Teachers' Association
PGGMB	Persatuan Guru-Guru Melayu Brunei
RHO	Rhodes House, Oxford

SACSEA	Supreme Allied Commander Southeast Asia
SITC	Sultan Idris Teachers' College
SUK	Setiausaha Kerajaan
SUPP	Sarawak United People's Party
TNKU	Tentera Nasional Kalimantan Utara
UMNO	United Malay National Organisation
WO	War Office

BRUNEI AND THE ADJACENT AREAS



SOUTHEAST ASIA



INTRODUCTION

The recent history of Brunei, in particular the post-war period, is relatively underdeveloped area of research. To date there are only a handful of works of serious scholarship on this period. Among the more prominent works are those by Saunders, Ranjit Singh and Horton.¹ Saunders, being the most recent, provides a useful account of the political development of the Sultanate of Brunei from its origins to the achievement of independence. Based on primary, and secondary sources, his work provides a useful overview of the development of the State. Ranjit Singh's work is also similar in that it traces the development of the State between 1839-1983. Horton, on the other hand, focuses on the social, economic and political development of Brunei in the Residential period between 1906-1959. Other useful published works on the history of Brunei include those of Tarling, Brown, Haji Zaini, and Pehin Haji Jamil.² The three major works mentioned above cover a wide period of time and hence lack depth in respect of the political and constitutional developments in the period between 1944 and 1962 which marked a turning point in the Sultanate's history. This period is of crucial importance to understanding of modern Brunei as political

¹Graham Saunders, *A History of Brunei*, Kuala Lumpur, Oxford University Press, 1994; D.S.Ranjit Singh, *Brunei 1839-1983: The Problems of Political Survival*; Singapore, Oxford University Press, 1984; A.V.M.Horton, *The Development of Brunei During the British Residential Era 1906-1959: A Sultanate Regenerated*, Unpublished PhD's Thesis presented to the University of Hull, 1985.

²Nicholas Tarling, *Britain, the Brookes and Brunei*, Kuala Lumpur, Oxford University Press, 1971; D.E.Brown, *Brunei: The Structure and History of A Bornean Malay Sultanate*, Monograph of the Brunei Museum Journal, Vol. 2, 1970; Haji Zaini Haji Ahmad, *Pertumbuhan Nasionalisme di Brunei (1939-1962)*, Kuala Lumpur, ZR Publications, 1989; Pehin Haji Mohammad Jamil Al-Sufri, *Liku-Liku Perjuangan Pencapaian Kemerdekaan Negara Brunei Darussalam*, Brunei, Jabatan Pusat Sejarah, 1992.

developments in this period largely determined the shape of the modern political entity and its survival. Thus the main focus of this thesis is the political and constitutional developments during the period 1944 to 1962 which had an immense impact on the course of Brunei's political history. The developments are examined in a chronological sequence so as to provide an adequate basis for the analysis of this transitional period of Brunei's history. The main sources for this study are the Colonial Office documents at the Public Record Office, Kew; official documents at the Museum Archive in Brunei; and personal interviews with some surviving personalities during the period under study.

This study begins by examining the formulation of the British wartime policy on the future constitutional and political relations with Brunei in particular, and the Borneo territories in general, and how the policy was implemented. Chapter Two traces the proposals for the Brunei Constitution and the drafting of the Constitutional Enactment. Chapter Three discusses the formation of a political party, the Partai Rakyat Brunei (PRB) or the Brunei Peoples' Party, and its ideas. The PRB demanded a Constitution which provided for a full democratic government and unification of the Borneo territories of Brunei, North Borneo and Sarawak. However the British favoured a gradual transformation to democracy and rejected the PRB's Borneo union proposals and made public their own proposals in 1958. The British proposals for the "closer association" of the Borneo territories are examined in Chapter Four. The British proposals are important because they indirectly influenced the outcome of Brunei's Constitution and later the Malaysia Plan. Chapter Five discusses the constitutional negotiations between the Sultan and the British both in Brunei and in London which ended in an agreement to promulgate Brunei's first written Constitution

in September 1959. The promulgation and the main aspects of the Constitution are discussed in Chapter Six. The next two chapters examine the responses of the PRB both to the Brunei Constitution and the Malaysia Plan which culminated in a rebellion in early December 1962. The concluding chapter draws together the main points raised in the preceding chapters.

Before going into the thesis it is important to examine briefly the origins and development of the relations between Brunei and Britain until the outbreak of the World War II. Brunei's relations with Britain began officially in 1847 when both sovereign countries signed the Treaty of Friendship and Commerce with the main aim of extending trade and suppressing piracy in the Borneo waters. On its part Brunei handed over Labuan Island to Britain as an incentive to win the latter's friendship. By doing so Brunei hoped to stabilise the political and economic situation which had deteriorated, partly due rivalry between Brunei's ruling elite and partly due to James Brooke's intervention in the Sultanate's politics. James Brooke, a British adventurer, had obtained the governorship of Sarawak, a small district in the southwest of the Sultanate, from the Sultan of Brunei in 1841.³ When the British friendship did not give protection - in fact it led to Brooke's encroachment on its territories - Brunei in 1877 leased out an area covering almost the whole of present State of Sabah to the Austrian Consul-General in Hong Kong, Baron von Overbeck, and a London businessmen, Alfred Dent. Overbeck also signed a similar agreement with the Sultan of Sulu, who had a claim over part of the area. Overbeck and Dent formed a company to run the government of the area, which became known as North Borneo. When the former withdrew from the adventure, Alfred Dent, in 1881, obtained a

³D.S.Ranjit, *op.cit.*, 47-58.

British charter to his company, which became known as the British North Borneo (Chartered) Company. If Brunei's objective of leasing North Borneo to another European was to counterweigh Brooke's territorial aggrandizement, it failed. On the contrary, the granting of the British charter to the North Borneo Company started the scramble for the partition of the Brunei territories between Brooke and the Company. By 1885 Brunei lost all but five of its rivers or districts and Brooke was threatening to take Limbang.⁴ To prevent his Sultanate from being totally dismembered, Sultan Abdul Momin issued, just before he died in the same year, an *amanat*, or will, prohibiting any more alienation of Brunei's territories.⁵ His successor, Sultan Hashim, sought protection from Britain which was accorded under the Protectorate Agreement signed between the two countries on 17 September 1888. The main features of the agreement were: firstly, that Brunei "continued to be governed and administered" by its Sultan "as an independent State, under the protection of Great Britain"; secondly, that other than the question of the right of succession to the throne of Brunei, the protection conferred "no right on Her Majesty's Government to interfere with the internal administration of that State"; and finally, that

"the relations between the State of Brunei and all foreign States, including the States of Sarawak and North Borneo shall be conducted by Her Majesty's Government, and all communications shall be carried on exclusively through Her Majesty's Government, or in accordance with its directions; and if any difference should arise between the

⁴An account of the partition of Brunei during the second half of the nineteenth century is found in Nicholas Tarling, *op.cit.*, and D.S.Ranjit Singh, *op.cit.*, Chapter 3.

⁵For Sultan Abdul Mumin's will see D.E.Brown, "Sultan Abdul Mumin's will and related document", *The Brunei Museum Journal*, Vol. 3, 1974, pp. 156 - 170.

Sultan of Brunei and the Government of any other State, the Sultan of Brunei agrees to abide by the decision of Her Majesty's Government, and to take all necessary measures to give effect thereto".⁶

The Protectorate Agreement, which for the British served mainly to prevent intervention of other foreign powers in Brunei, failed to give adequate protection to Brunei as expected by Sultan Hashim. In 1890 Limbang district was annexed by Rajah Sir Charles Brooke of Sarawak. When Sultan Hashim evoked the Agreement the British not only failed to come to his aid but decided instead to approve the annexation. The Rajah had just returned from London when he made the move on Limbang which raised suspicions of a secret deal between him and the British Government.⁷ When Sultan Hashim protested against the British decision, he was reminded that he was obliged to abide by the British decision under the Treaty. Sultan Hashim, however, rejected the treaty, insisting that Limbang must not be separated from Brunei.⁸

Sultan Hashim's (and his Ministers) refusal to give his consent to the annexation was based on the grounds that not only was it against his predecessor's *amanat*, and it split the State into two enclaves, but, more importantly, Limbang was the richest and most populous of the remaining districts of Brunei. As one British officer observed five years after the annexation: "the loss of Limbang had not only crippled the resources of the [Brunei] Government, but also the trade and even the

⁶For the full text of the Treaty, see W.G.Maxwell and W.S.Gibson, *Treaties and Engagements Affecting the Malay States and Borneo*, London, Jes.Truscott & Son Ltd., pp. 149-51.

⁷D.S.Ranjit Singh, *op.cit.*, 83; N.Tarling, *op.cit.*, p.405.

⁸D.S.Ranjit Singh, *op.cit.*, p. 85.

movements of the people".⁹ Under such conditions Brunei inevitably slid into political and economic instability. In order to solve the problem the British Government recommended in 1900 the termination of the Brunei Sultanate and partition of its territories between Sarawak and North Borneo. However, the Rajah of Sarawak insisted that all the remaining Brunei territories should be incorporated into his Kingdom. But Sultan Hashim vigorously resisted any attempt to abolish his Sultanate and to strip him and his Ministers of power. He sought help from various people including writing to the British King in 1902, and appealing to Turkey and the United States in 1903. These developments together with a report of the presence of oil in 1903 probably changed the British Government's attitude towards Brunei. In May 1904 it appointed M.S.H.McArthur as the new Acting British Consul for Brunei and immediately sent him on a special fact-finding mission to the State. At the end of his six-month stay, McArthur recommended that Brunei should be brought under British administration with a British Resident as in the Malay States in Malaya.¹⁰ The British Government agreed, and in November 1905 McArthur returned to Brunei to secure an agreement with the Sultan. Beset by poverty and unrest, and threatened with absorption by Sarawak, Sultan Hashim had few alternatives but to put his seal on the document on 3 December 1905; and the Supplementary Agreement of 1888 was ratified on 2 January 1906, when Sir John Anderson, the British High Commissioner for Brunei, signed the document on behalf of the British Government.

⁹Quoted from A.V.M.Horton, *op.cit.*, p. 76.

¹⁰See M.S.H.McArthur, *Report on Brunei in 1904*, (Introduced and Annotated by A.V.M.Horton), Ohio, Ohio University, 1987.

The main feature of the 1905/1906 Supplementary Agreement, intended to give "full" protection to Brunei, was the appointment of "a British officer to be styled Resident" whose "advice must be taken and acted upon on all questions in Brunei, other than those affecting the Mohammedan religion".¹¹ The British Resident (as he was known in Brunei) was the "agent and representative" of the British Government in Brunei. He was appointed by and responsible to the High Commissioner for Brunei. The latter officer was the Governor of the Straits Settlements; and, as for the Malay States, he was responsible for the general supervision of the administration in Brunei. The High Commissioner, whose office was in Singapore, was as responsible to the Colonial Office in London for the broad overview of the administration and policies. However, London never made important decisions without prior reference to the High Commissioner, who, depended upon the Resident for information and guidance.¹²

In Brunei, the British Resident was more than an adviser; he exercised the general functions of the administration, sat in the highest court in the State and drafted legislation. In fact he was the chief executive officer. The Sultan and his Ministers, although retaining their positions and prestige, lost much of their former functions and powers. The traditional Government based on territorial land ownership was abolished and replaced by a strong central Government. The most important body in the new Government was the State Council, which was recreated from the Sultan's advisory

¹¹For the full text of the Treaty, see W.G.Maxwell and W.S.Gibson, *Treaties and Engagements Affecting the Malay States and Borneo*, London, Jes.Truscott & Son Ltd., pp. 151-52.

¹²An account of the development of Brunei during the Residential period is in A.V.M.Horton, *op.cit.*

Council. Presided over by the Sultan, the State Council had ten to twelve members, including the British Resident and the two *Wazir*¹³ - *Pengiran Bendahara* and *Pengiran Pemanca*.¹⁴ In 1920s the leader of the Chinese Community, *Kapitan China*, and in 1950s the Managing Director of the British Malayan Petroleum Company (later Brunei Shell Petroleum Company) were made members of the Council. The local members were appointed by the Sultan and approved by the British Resident. All internal matters affecting the State, including legislation, were referred to the Sultan-in-Council for approval. In theory, therefore, the Sultan-in-Council was the "supreme authority" in the State, but in practice it was no more than a "rubber stamp" of the British Resident because the Sultan and his Ministers were bound by the 1905/1906 Agreement which required them to accept the British Resident's advice on all matters other than those of Islamic faith.¹⁵

In fact this "advice" clause was one of the main contentious issues between the Brunei ruling elite and the British Resident, and the Bruneis took every opportunity to try to amend it. In 1909, Sultan Jamal-ul-Alam complained that he was required to accept dictation rather than advice from the British Resident over the passing of the

¹³Senior ministers of royal blood. In the traditional government of Brunei there are four *Wazir*, but from early twentieth century to 1967 the positions of *Pengiran Temenggong* and *Pengiran di Gadong* became vacant.

¹⁴According to the list submitted by *Pengiran Bendahara* to the British Resident in 1907, the following persons had a constitutional right on the State Council: The Sultan, *Pengiran Bendahara*, *Pengiran Pemanca*, *Pengiran Syahbandar*, *Pengiran Kerma Indra*, *Datu Perdana Menteri*, *Jawatan Abu Bakar*, *Tuan Imam*, and *Orang Kaya di Gadong*. See Minutes of the State Council Meeting on 29 June 1907 in BA/FC/RBM/57, Minutes of State Council from 29 June 1907 to 31 August 1949.

¹⁵In the Malay States in Malaya the Residents had no jurisdiction over the matters affecting Islam and the Malay customs. See the Treaty of Pangkor, 1874 in W.G.Maxwell and W.S.Gibon, *op.cit.*, pp.28-30.

land legislation and refused to cooperate in its implementation. However, the British authorities took a firm stand: from August 1910 the Sultan's monthly allowance was reduced to half and he was warned that unless he improved his behaviour he would be removed from his position. Since the Sultan and his Ministers had lost their personal income from ownership of land following the abolition of the appanages system, they had no alternative but to acquiesce to the British Resident. In January 1911, the Sultan's allowance was restored. Reporting on the improvement of the Sultan's behaviour the British Resident deduced that a "new era" had begun: the distrust between Resident and the Sultan and his Ministers had been overcome.¹⁶ The two *Wazir*, however, continued to be less co-operative, and from 1910 were "conspicuous absentees" from the State Council.¹⁷ As a result, their relative power and influence diminished and that of the Sultan bolstered by the British. However, Sultan Jamal-ul-Alam died in 1924 aged 35 and was succeeded by his eleven-year-old son, *Pengiran Muda* Ahmad Tajuddin. This virtually gave the British Resident a free hand in introducing reforms in Brunei at least until after the Second World War.

In order to raise efficiency the traditional administration based on territorial power of the traditional nobility was replaced by a centralised administration modelled along Western lines. In the early years, however, due to lack of finance Brunei shared administrative services with the Colony of Labuan. In fact it was not until 1922, when the revenues of the State became more stable, that a British Resident, independent of Labuan, was appointed to Brunei. Concurrently, Brunei was also administratively linked with the Straits Settlements and the Malay States through the

¹⁶A.V.M.Horton, *op.cit.*, p. 131.

¹⁷*Ibid.*, p. 139.

High Commissioner in Singapore. Moreover, the British Resident himself was an officer of the Malayan Civil Service as also the other European officers in the State.¹⁸

The main problem faced by the British Residents in the early years was not only Brunei's meagre resources, but the fact that the revenue raised from cession monies on the territories ceded to the Sarawak Government and the British North Borneo (Chartered) Company, from payments of revenue farms, from trade monopolies and from rights of taxation given out mainly to the Chinese, went directly to the Sultan and his Ministers as personal income. In order to create a steady source of State revenue the British relieved the Sultan and his Ministers of the rights of taxation, established a national treasury and reformed the system of taxation. A large loan was obtained from the Federated Malay States to enable the Brunei Government to buy up the rights of taxation and to redeem the mortgaged cession monies and monopolies. The State was divided into five districts (later reduced to four) and in each district a Malay officer, styled Magistrate, was appointed to collect customs duties and poll-tax. For the same purpose each district was further divided into Mukims and wards and each were placed under the charge of a *Penghulu* and *Ketua Kampong*, respectively.

In addition to these measures a land reform legislation was introduced in 1909 whereby all land not held under title became state land which could be disposed by the Government. As a result a number of large firms started rubber plantations which contributed to the revenue of the State. However it was not until the early 1930s that the State revenue reached a surplus level and the debt owed to the Federated Malay States was repaid. This was attributed to the revenue generated from the export of oil

¹⁸The British Administration in Brunei in the early years was very small. In 1941, for example, the number of the European officers including the British Resident was only seven. See A.V.M.Horton, *op.cit.*, p. 304.

found in Seria in the western part of the State in 1929 by the British Malayan Petroleum Company. In 1932 the export of oil began when crude oil was piped to Lutong in Miri (Sarawak) for refining, and by 1935 Brunei became the third largest producer of oil in the British Commonwealth.

As the revenues of the State improved, the Government was able to provide better social and welfare services. The Health Department created in 1929 was expanded resulting in great improvement in the health of the populace. The first census taken in 1911 revealed that the total population of Brunei was

Table 1: Brunei: Revenue per head, 1911-1960

Year	Population	Total Revenue (in \$ Straits)	Revenue Per Head (in \$ Straits)
1911	21,718	109,430	5.04
1921	25,454	165,890	6.49
1931	30,135	342,011	11.35
1947	40,657	4,389,974	107.94
1960	83,877	129,568,762	1,544.75

Source: Compiled from *Brunei Annual Reports*

21,718; by 1947 the population had increased to 40,657 and by 1960 to 83,877.¹⁹ In 1927 it was recorded that almost 42 per cent of babies born in the Brunei Town failed to survive their first year and by 1947-8 the rate had declined to less than 14 per cent.²⁰ Apart from the great improvement in health the increase in population was also

¹⁹L.W.Jones, *Report on the Census of Population taken on 10 August 1960*, Kuching, Government of Sarawak, nd., p. 21.

²⁰A.V.M.Horton, *op.cit.*, pp. 286-287.

attributed to an increase in the number of immigrants, particularly the Chinese who worked in the oil industry. In 1911 the Chinese only made up 3.1 per cent of the population, by 1947 they had increased to 20.4 per cent and by 1960 to 26 per cent.²¹

Table 2. Brunei: Population by Ethnic Grouping 1911-1960

GROUP	1911	1947	1960
Malays	11,554	16,748	45,135*
Kedayans	4,931	6,732	
Dusuns	1,069	2,759	
Belaits	1,097	716	
Tutongs	1,667	2,431	
Ibans	nil	1,332	
Chinese	736	8,313	21,795
Others**	101	1,353	16,947
TOTAL	21,718	40,657	83,877

Note: * "Malays and other indigenous".

** Indians, Europeans and others.

Sources: Brunei censuss 1911, 1947 and 1960.

During the period before the discovery of oil little provision for education was made. Formal education began in 1912 when the first Malay vernacular school was built in the Brunei Town. In 1930 there were only 13 such schools with 688 pupils but by 1940 the number of schools increased to 23 with 1,776 pupils.²² The

²¹L.W.Jones. *op.cit.*, pp. 21 and 28.

²²For an account of the development of education in Brunei see: Matassin Haji Jibah, "Perkembangan Persekolahan Melayu di Brunei dalam Pentadbiran Sistem Residen 1906-1959", *Brunei Museum Journal*, Volume 5, 1983, pp. 1-26; and Haji Mohammed Noor bin Chuchu, "The Development of Education in Brunei Darussalam", *Jurnal Pendidikan*, Volume 1, 1990, pp. 37-66.

curriculum of the schools was based on that of the Malay vernacular schools in the Malay States, which included literacy in both Jawi and Romanized scripts, composition, arithmetic, geography, history, hygiene, drawing and physical exercise.

A British Resident wrote in the *Brunei Annual Report* in 1918 that

"these [vernacular schools] do not aim at providing a high standard of education. They do, however, provide the children with elementary training and also teach them discipline, punctuality and personal cleanliness; qualities in which their parents are markedly lacking".²³

The aim of the education was reemphasised by another British Resident in 1930: "Nothing is taught which might tend to drive Malays from their fishing and agricultural pursuits".²⁴ Understandably, there was little enthusiasm among parents to send their children to school. In fact it was for this reason that the Government passed legislation in 1929 making it compulsory for those living within two miles of the Brunei Town to send their boys between the ages of 7 and 14 to school.²⁵ However it was only ten years later that the law was enforced in other towns.²⁶

²³*Brunei Annual Report*, 1918, p. 4.

²⁴*Ibid.*, 1930, p. 20. Writing on vernacular education in 1920 William Maxwell believed that "the general policy of the FMS Government was ...to make the son of the fisherman or peasant a more intelligent fisherman or peasant than his father had been". See Philip Lok Fok Seng, *The Malay States 1874-1895: Political Change and Social Policy*, Kuala Lumpur, Oxford University Press, 1969, p. 173.

²⁵*Brunei Annual Report*, 1929, p.20.

²⁶*Ibid.*, 1939, p. 24.

Table 3. Brunei: Expansion of Education 1915-1960

YEAR	NUM. OF SCHOOLS	NUM. OF PUPILS
1912	01	40
1930	13	688
1940	23	1,776
1950	28	2,255
1960	52	7,164

Source: Compiled from *Brunei Annual Reports*

Besides the Malay vernacular schools there were also Chinese vernacular schools and English primary schools run privately. The first English school was built in Kuala Belait in 1932 and two more were built by 1941, one of them in Brunei Town. Since the schools were run by Christian Missionaries and charged fees the Malays were less attracted to send their children to these schools. From 1919 the Government sent two pupils each year to Labuan for English education. However the practice was discontinued after the war. Except briefly, when some were sent to Kuching (from 1951 to 1952), the State pupils had no English education until the first Government English school opened its door in 1953. In 1931 the younger brother of the Sultan and two sons of the *Pengiran Pemanca* were sent to the Malay College at Kuala Kangsar in Malaya. In fact they were the first members of the Brunei royal household sent to ordinary schools. From 1930 the Government also sent two pupils selected from those who had completed their Standard Seven in their vernacular schools each year to Sultan Idris Teachers' College (SITC) at Tanjong Malim in Malaya. By 1941 there were twelve teachers who had received training and by 1953 there were 58. As will be seen, this group of trained teachers, although small, played

an important role in nurturing Malay nationalism in Brunei. In 1938 they formed an association called the Persatuan Guru-Guru Melayu Brunei (PGGMB) or the Malay Teachers' Association. They also played an important role in the formation of Kesatuan Melayu Brunei (KMB) or the Brunei Malay Association in the following year. Although both PGGMB and KMB were socio-cultural in their aims and objectives they provided the foundation for political associations after the war.

The economic and social progress under the British administration was abruptly halted by the Japanese invasion of the State on 16 December 1941. The British administrators including the British Resident were interned in Kuching when they refused to serve under the Japanese administration. The Japanese retained the existing administrative structure and a handful of local officers were asked to continue in their posts under the Japanese Military officers. The Sultan and his traditional Ministers remained in their positions although they had no more powers than they had during the British Residency. There was also no evidence that the State Council ever met during the Occupation. Throughout the Occupation the Japanese administration was fully geared towards the war efforts. Although the Japanese were able to resume some production at the oil wells in Seria, which had been damaged by the British under their "Oil Denial Scheme" before the arrival of the Japanese, the war demands prevented the revenue being spent on social and economic developments in the State. However it was not until towards the end of the war, when the Allied Forces blockaded the surrounding sea, that the people experienced hardship when the import of food and basic materials were affected. The Japanese were relatively benevolent particularly towards the Malays. Many of the young men, who included the future leaders of the State, were recruited into the propaganda organs of the Japanese. A few

were sent abroad for higher education. For instance, Sheikh Azahari bin Sheikh Mahmud was sent to Bogor in Indonesia to study veterinary surgery and Pengiran Yusuf bin Pengiran Abdul Rahim to Hiroshima to study Japanese Language and Education. Several others were sent to military training camps in various parts of Borneo for anti Western indoctrination. But Japanese rule itself came to an end with the surrender of August 1945, allowing the British to return.

CHAPTER 1

PLANS FOR CONSTITUTIONAL CHANGE: 1944 - 1948

Following the Japanese invasion of Brunei and other British colonial possessions in Southeast Asia in 1941-1942 the British were determined to regain their lost territories and re-establish their pre-war position. However, new forces unleashed by the war had necessitated reappraisal of their pre-war colonial policy in the region. The first part of this chapter thus examines the formulation of British colonial policy for post-war constitutional and administrative reforms undertaken during the wartime in regard to the Borneo territories of Brunei, Labuan, North Borneo and Sarawak. This is followed by an examination of the implementation of the plans after the Japanese surrendered in 1945.

1.1 British Wartime Policy and Planning January 1944 - June 1945

After Singapore, the heart of the British power in Southeast Asia, fell to the Japanese on 15 February 1942, officials in the Colonial Office began formulating a policy for post-war constitutional and administrative changes in Malaya and the Borneo territories.¹ There were two factors which greatly influenced British policy

¹For discussions on the origins of the British Wartime policy see A.J. Stockwell, *British Policy and Malay Politics During the Malayan Union Experiment 1942-1948*, Kuala Lumpur, Malaysia Branch of the Royal Asiatic Society Monograph No. 8, 1979 and Albert Lau, *The Malayan Union Controversy*, Singapore, Oxford University Press, 1991.

makers in London: first, the British public were critical of British pre-war colonial policy in the region which was partly blamed for their defeat by the Japanese, and second, the Americans, who saw the Europeans colonies and dependencies as obstacles to their political and economic interests in the area, believed that the European colonies should be liberated and given opportunities for self-determination in the spirit of the Atlantic Charter of August 1941.²

On 6 January 1944 the British War Cabinet appointed a committee from among its members to consider a memorandum submitted by the Secretary of States for the Colonies on the question of the constitutional policies to be followed in Malaya and in the Borneo territories on their liberation from the Japanese, and to make recommendations for post-war constitutional and administrative changes.³ It had been decided that the re-establishment of the administrative machinery in the territories was to be brought about through a transitional military government, thus necessitating a directive for military planners to enable them to conform with civil policy and facilitate the introduction of constitutional changes.⁴ In its first meeting on 22 March 1944 the Committee approved the general lines of the policy laid out in the Colonial

²For discussion on American's policy on colonies during the Second World War see Wm. Roger Louis, *Imperialism at Bay 1941-1945: The United States and the Decolonisation of the British Empire*, Oxford, Oxford University Press, 1979.

³The State Secretary for the Colonies' memorandum is on CAB 98/41, CMB (44) 3.

⁴CO 825/35/2/55104/1/1943, Aide Memoir, 11 February 1943.

Secretary's memorandum.⁵ In regard to the Borneo territories the Committee concluded that

"the restoration of the pre-war constitutional and administrative systems in the four territories will be undesirable in the interests of security and of our declared purpose of promoting social, economic and political progress in Colonial territories".⁶

In order to achieve these purposes it recommended that the administration of the British North Borneo (Chartered) Company, established in 1881, should be terminated, and the administration assumed by the British Government after payment of compensation to the Company. The British Settlement of Labuan was to be incorporated in the new Administration for North Borneo. The Committee also recommended that the Sultan of Brunei and the Rajah of Sarawak be invited to conclude new treaties with the British Government at the earliest opportunity. According to the treaty the British Monarch would assume full jurisdiction in the States enabling the British Monarch to legislate for these territories under the Foreign Jurisdiction Act. The new treaty was intended to secure the acceptance by the Rajah of Sarawak of a resident British Adviser whose advice must be sought and acted upon in all substantial matters of policy and administration.⁷ The Secretary of State did not anticipate that either the Rajah of Sarawak or the Sultan of Brunei would raise any

⁵CAB 98/41, C.M.B. (44), Minutes of the first meeting of War Cabinet Committee on Malaya and Borneo, 22 March 1944.

⁶CAB 98/41, CMB (44) 258, Report of the Committee on Policy in Regard to Malaya and Borneo, 18 May 1944.

⁷*Ibid.*

difficulties over the cession of jurisdiction to the British Monarch.⁸ The Committee also recommended that

"the purpose of political progress requires also that self-government in Brunei and Sarawak should not merely develop towards systems of autocratic rule but should provide for a growing participation in the Government by people of all communities in each territory".⁹

The Committee did not envisage a closer union of the Borneo territories. It believed that the basis for closer union between the Borneo territories, at that stage, hardly existed because the territories were still comparatively undeveloped and they had few racial or other affinities. Nevertheless it envisaged continuity of policy and administrative action could be assured from the outset under the direction of the Governor-General at Singapore, whose appointment it recommended.¹⁰ The officer concerned would be a high British Authority for the whole area - Malaya and the Borneo territories - without any direct administrative functions within any of the territories concerned, but with direct supervisory control over the chief officers of all those territories. He would in any event have particular duties in securing co-ordination on the civil side of all measures relating to the defence of the area.¹¹ In effect, the appointment of the Governor-General was a substitution for a constitutional

⁸CAB 98/41, C.M.B. (44), Minutes of the first meeting of War Cabinet Committee on Malaya and Borneo, 22 March 1944.

⁹CAB 98/41, CMB (44) 258, Report of the Committee on Policy in Regard to Malaya and Borneo, 18 May 1944.

¹⁰*Ibid.*

¹¹CAB 98/41, CMB (44) 3, Future Constitutional Policy for British Colonial Territories in Southeast Asia - Memorandum by the Secretary of State for the Colonies, 14 January 1944.

union of Malaya and the Borneo territories with Singapore as the centre which was mooted in the Summer of 1942¹² but which was later found impracticable because the territories had "little direct intercommunication and trade between each other and they are racially disunited". Instead was recommended for the establishment of the Malayan Union, comprising all the Malay States and the British Settlements of Penang and Malacca; a separate Crown Colony of Singapore; and the retention of Borneo territories as a separated entities.¹³ However, in its recommendation in May 1944 the Cabinet Committee declared that "the promotion of closer union [of the Borneo territories] should be a continuing matter of our policy".¹⁴

On 31 May 1944 the British War Cabinet approved, provisionally, the Committee's recommendations on future policy for Malaya and the Borneo territories and agreed that the Secretary of State, with the understanding that no publicity for the policies was involved, would issue directives to British officials planning for Civil Administration in Malaya and the Borneo territories after liberation; to open confidential discussions with the Court of Directors of the British North Borneo (Chartered) Company with a view to the transfer of sovereign rights of North Borneo to the British Government, and with the Rajah of Sarawak, who was residing in

¹²CO 825/35/55104/1942, A Post-War Settlement in the Far East: Need for a define Policy, September 1942.

¹³CO 825/35/55104/1/1943, item 2, Memorandum on plans for constitutional reconstruction in the Far East, 20 March 1943.

¹⁴CAB 98/41, W.P. (44) 258, Policy in regard to Malaya and Borneo - Report by the Committee, 18 May 1944.

Britain, for a new Agreement on the lines proposed in the recommendations of the Cabinet Committee.¹⁵

Meanwhile, it had been decided that the Borneo territories were not to be brought under the British Southeast Asia Command but under the American Southwest Pacific Command Area. As a result in July 1943 a Combined Civil Affairs Committee was set up in Washington to draw up agreement on the civil administration after the liberation of the territories from the Japanese. In its Charter, the Anglo-American Committee stated that

"when an enemy-occupied territory of the United States, the United Kingdom or one of the Dominions is to be recovered as the result of an operation combined or otherwise the military directive to be given to the Force Commander concerned will include policies to be followed in the handling of Civil Affairs as formulated by the government which exercised authority over the territory before the enemy occupation".¹⁶

Thus, this meant that in Brunei the directive should come from the British Residency; in Sarawak from the Brooke Raj and in North Borneo from the Chartered Company Directorate. Following this in May - July 1944 a Memorandum on policy in Borneo was prepared jointly by the Colonial Office and the War Office and transmitted to Washington, conveying in general terms that the administration of the Borneo territories should be entrusted to a Civil Affairs staff mainly comprising British officers; that the Borneo Planning group had been assembled in London to prepare for

¹⁵CO 825/43/55104/15/1944, W.M. (44) 70th. Conclusions, Extract from a Meeting of the War Cabinet held on 31 May 1931.

¹⁶Quoted from F.S.V.Donnison, *British Military Administration in the Far East 1943-46*, London, Her Majesty's Stationery Office, 1956, p.146.

such an administration; and that the Military directives to the Force Commanders concerned should include instructions on those lines. Further detailed statement of policy was sent to Washington in February - March 1945 emphasising that

"the Chief Civil Affairs Officer, British Borneo, should also give such advice as may be necessary concerning His Majesty's Government's long-term plans for reconstruction, in order that, as far as possible, the measures of the military administration may be co-ordinate therewith. He should at the discretion of the Allied-Commander-in-Chief ...be authorised to communicate direct with London on questions which do not affect the Allied Commander-in-Chief's responsibilities for the military administration of British Borneo".¹⁷

Despite the problems of authority on Civil Affairs, planning for civil administration in the Borneo territories continued under the Borneo Planning Unit (BPU) established by the Colonial Office in October 1943. The BPU was headed by its Chief Planner and Chief Civil Affairs Officer, C.F.C.Macaskie, a former Chief Justice and deputy Governor of North Borneo. He was among a handful of officials from the Borneo territories who had escaped internment by the Japanese.¹⁸ Among the tasks of the BPU were preparing a list of civil personnel to fill essential posts, and preparing schedules of relief supplies required until normal trade could be restored, and preparing a Borneo Manual during the period of the Military administration.¹⁹

¹⁷*Ibid.*

¹⁸*Ibid.*, p.145. The BPU was started with only five planners but towards the end of 1944 the total number of the planners had risen to fourteen.

¹⁹CO 865/8, item 2, Borneo Planning Unit.

Under the BPU's plan, Sarawak, Brunei, Labuan, and North Borneo were to be brought under a single administrative unit called "British Borneo".²⁰

Meanwhile confidential discussions between Colonial Office officials and representatives of governments of North Borneo and Sarawak began as soon as the Cabinet approved the long term policy on the future of the territories at the end of May 1944. The discussions with the Court of Directors of the North Borneo Company were slow because the Secretary of State was unable to decide on the financial terms demanded by the Court of Directors as he was precluded by the Cabinet directive from discussing the financial commitments with the Company. In December 1944 the Secretary of State hinted that unless some settlement was reached with the Company before the liberation of the territory, they (British Government) might have to annex the territory.²¹ The Sarawak Rajah on the other hand had shown great reluctance to enter discussions, and preferred to postpone the discussions until after liberation when the people of Sarawak could be consulted.²²

Since the Sultan of Brunei was in the hands of the Japanese, no negotiations could take place. In November 1944 Macaskie suggested that preparation for him to negotiate the new treaty with the Sultan of Brunei should be considered.²³ However, the Colonial Office felt that it was still "a little early to consider" the matter.

²⁰CO 825/43/8/55104/10/1944, item 9, "Memorandum on the Borneo Planning Unit" by Macaskie, 24 May 1944, an enclosure in minute by Paskin, 26 May 1944.

²¹CAB/41, C.M.B. (44) 2nd. Minutes of Second Meeting of the War Cabinet Committee on Malaya and Borneo held on 19 December 1944.

²²CO 825/42/2/55104/1945, C.M.B. (45) 27th. Conclusions, Extract from Conclusions of a Meeting of the Cabinet held on 3 September 1945.

²³CO 825/42/55104/3/5/1944, Minute by Macaskie to Bourdillion, 20 November 1944.

Moreover it did not "visualize it as one of the functions of the Chief Civil Affairs Officer to conclude a new treaty with the Sultan".²⁴ Instead it contemplated a similar procedure to the case of the Rulers in Malaya i.e. a special emissary of the Secretary of State to negotiate the new treaties. Macaskie also recommended, in December 1944, that North Borneo and the Fifth Division of Sarawak should be returned to Brunei and the new unit incorporated within the proposed Malayan Union.²⁵ However, the Colonial Office was not enthusiastic about the idea which was concluded as "too complicated to pursue at the moment especially in view of the present uncertainty as to the future of our negotiations with the British North Borneo (Chartered) Company".²⁶

Towards the end of 1944, however, it began to appear that the re-occupation of the Borneo territories would be effected by the Australian army under the general control of the American Commander-in-Chief of the South West Pacific. Thus it was decided that the BPU should be materialised in preparation for an early departure to Australia.²⁷ Thus in February 1945 the 50th Civil Affairs Unit (50 CAU) of the British army was created. At the same time an advance party left for Australia but Brigadier Macaskie and the main body of the planning unit did not leave until March.²⁸

²⁴CO 825/42/55104/3/5, item 2. Paskin to Macaskie, 7 December 1944.

²⁵CO 825/42/55104/3/1943-1944, item 37, Macaskie to Wodeman, 4 December 1944.

²⁶CO 825/42/55104/3/1944, item 38, Paskin to Macaskie, 12 January 1945.

²⁷CO 825/43/55104/10, item 33, Note of Meeting held at the Colonial Office on 21 November 1944.

²⁸F.S.V.Donnison, *op.cit.*, pp. 148-149.

Meanwhile the Research and Civil Affairs Department of the Australian army established its own planning unit called the British Borneo Civil Affairs Unit (BBCAU). In fact the Department would have much preferred that the BBCAU be entirely Australian and doubted whether a British unit would fit in with the Australian command.²⁹ However, as the date for liberation of the Borneo territories approached officers of the 50 CAU were individually posted to the BBCAU, and the former acted as a holding centre. In June the two units were placed under the command of Brigadier Macaskie, who himself came under the control of the Australian Land Headquarters through the Department of Research and Civil Affairs.³⁰

1.2 The Military Administration June 1945 - July 1946

The liberation of Brunei was undertaken by the Ninth Australian Division, under the Allied Operation known as "Oboe Six" which was aimed at securing the Brunei Bay area in order to permit the establishment of an advanced fleet base for the invasion of Japan and to protect existing oil and rubber resources.³¹ The Australian army landed simultaneously on Labuan Island and on the mainland north of Brunei Town on 10 June 1945. Unlike in Labuan, where the Japanese garrison of about five hundred fought "gallantly", the Australians did not meet any opposition in Brunei

²⁹RHO, Mss Pac. s71, (File 8), item 8, Macaskie Papers, "Notes for an Autobiography of a North Borneo Career", 20 September 1964, p.130.

³⁰F.V.S.Donnison, *op.cit.*, p.178.

³¹WO 203/2690, Lt. Gen. Sir L.J. Morshead, "First Australian Corps: Report on Operations during the Borneo Campaign, 1 May to August 1945".

because most of the Japanese soldiers had already fled into the interior; and in just over a week the Australians were able to secure the whole State.³²

On the same day the commander of the Australian army, acting under the authority vested in him by General MacArthur, issued a proclamation to establish Martial Law in which the commander assumed full jurisdiction over all persons and property throughout the British Borneo.³³ Unlike in Burma, Malaya and Hong Kong where such proclamation established Military Administrations, in the British Borneo it established a state of Martial Law. This was due to decision had not been reached whether to bring the Borneo territories within Colonial Office responsibility.³⁴

Brigadier Macaskie arrived in Labuan on 22 July to take charge as the Chief Civil Affairs Officer for the British Borneo but found that he was "allowed little say in controlling the operations of the unit"; he was subordinated to the Director of Research and Civil Affairs at the Australian army Headquarters in Melbourne.³⁵ Each Civil Affairs establishment in a liberated areas was under the control of the local commanders.³⁶ Following the Japanese Emperor's order for a general surrender on 15 August 1945, Macaskie urged the formation of Military Administration for British Borneo.³⁷ However the Australians were not enthusiastic about the idea which

³²Macaskie, "Notes for an Autobiography ...", p.131.

³³Sarawak Museum, Box MM, Military Administration British Borneo, Proclamation No.1, 10 June 1945.

³⁴F.S.V.Donnison, *op.cit.*, p.181.

³⁵*Ibid.*, p. 182.

³⁶*Ibid.*, p. 184.

³⁷RHO Mss Pac s71, File 4, Brigadier Macaskie to General Wootten, 17 August 1945. Although the main Japanese forces in British Borneo surrendered to the Australian army on 10 September 1945, the Japanese recapitulation did not complete

involved the severance of the Civil Affairs staff from the military headquarters and the establishment of a separate Civil Affairs chain of responsibility. As a compromise, on 22 August, the Australians agreed to bring all the Civil Affairs Detachments under the direct control of the Chief Civil Affairs Officer, Macaskie, who had established his headquarters at Labuan. However Macaskie still received orders from the Australian army Headquarters in Melbourne.

For administrative purposes British Borneo was divided into six administrative divisions: Brunei - Labuan Division comprised Brunei, Labuan, Limbang and Lawas districts.³⁸ The immediate tasks of the Civil Affairs officers were to maintain law and order and to distribute relief supplies particularly food and clothing to the population which was "coming back into the town in thousands" on the liberation of the capital.³⁹ The *Brunei Annual Report* of 1946 described the condition of the population as being "in a shocking state of health", adding that "it can be no exaggeration to state that if the landing had not taken place when it did, thousands of people would have lost their lives through starvation and disease".⁴⁰ Effectively this was a result of blockading of the coast by the Allied Navy towards the end of the war which caused disruption of the Japanese shipping and trade; and Brunei, which depended for half of its rice on import, suffered.⁴¹

until 8 November when the Fujino Force gave up its resistance. See: F.S.V.Donnison, *op. cit.*, p. 180.

³⁸F.S.V.Donnison, *op.cit.*, p. 184.

³⁹T.S.Monks, *Brunei Days*, Sussex, The Book Guild Ltd., 1992, p. 60.

⁴⁰*Brunei Annual Report*, p. 8.

⁴¹Towards the end of their rule in Brunei the Japanese forced farmers to surrender part of their harvests to them. As a result many people turned to sago for food.

Following the unexpected surrender of the Japanese, the Labour Government which came to power in August 1945 proceeded with the plans drawn up by the Coalition Government it replaced. The new Government stressed:

"We do not want to sweep away all the old institutions in Malaya and Borneo (many of them were excellent), but we shall have missed a unique and historic opportunity if we fail to remove those barriers to political progress which undoubtedly existed".⁴²

On 3 September the new British Cabinet gave its final approval to the Malaya and Borneo territories policy provisionally approved by the War Cabinet on 31 May 1944. The integration of the British Settlement of Labuan and North Borneo, however, depended on the successful conclusion of the Colonial Office negotiations with the North Borneo (Chartered) Company in regard to the direct assumption of the administration in the State by the British Government. As regards Sarawak, the Cabinet, in view of the Rajah's "great reluctance to enter into discussions", invited the Colonial Secretary to consider "whether it would not be possible to bring to an end the rule of the Rajah of Sarawak".⁴³

Unlike the changes of North Borneo and Sarawak, the Secretary of State thought that the proposed future changes in the status of Brunei were "comparatively

Interviews with various people in Brunei, January - May 1993.

⁴²CO 825/42/2/55104, item 9, Draft Introductory Remarks which the Secretary of State might make, in explaining to the Cabinet the sense and purpose of his paper on policy in regard to Malaya and Borneo, ?late August 1945.

⁴³CO 825/42/2/55104, item 13, Extract from Conclusions of a Cabinet Meeting held on 3 September 1945.

minor importance", and presented "no difficulties".⁴⁴ Probably it was for this reason that the Colonial Office had not given much thought on the steps which would be necessary in obtaining full jurisdiction from the Sultan of Brunei; but it contemplated the same procedure which had been planned for the Malay States: Sir Harold MacMichael, who had been appointed by the Cabinet to obtain new treaties with Malay Rulers, was to conclude a new treaty with the Sultan of Brunei after he had finished his work in the Malay Peninsula.⁴⁵ A draft treaty had been prepared for the occasion.⁴⁶

Moreover, when the Australian army arrived in Brunei in June, the Sultan, who had taken refuge in a remote village near the Sarawak border during the Allied bombing of Brunei Town, was reported "only too relieved to see the British return and there was no question of collaboration; on the contrary, His Highness and family detested the Japanese".⁴⁷ In fact like his subjects the Sultan was under investigation for collaboration with the Japanese. If it was proved that he had been a collaborator, he was to be removed to Labuan.⁴⁸ Not long after the arrival of the Australians the

⁴⁴CO 825/42/55104, Draft Memorandum by the Secretary of State for the Colonies on policy in regard to Malaya and Borneo, ?August 1945.

⁴⁵CO 825/42/2/55104, item 13, Extract from Conclusions of a Cabinet Meeting held on 3 September 1945; *ibid.*, Minute by A.T.Bordivile, 9 September 1945.

⁴⁶CO 825/42/55104/3/5, item 3, Draft Agreement with the Sultan of Brunei prepared by Hastings, n.d.

⁴⁷RHO Mss Pac s71 (File 2) Kay to Macaskie, 20 June 1945. CO 531/31 (File 14, sub-file 7), top secret, BS/42, "Special instructions regarding the Sultan of Brunei" was destroyed under statute.

⁴⁸WO 203/5293, item 1, Directive from SACSEA to ALFSEA, 21 July 1945. See also Appendix A of CO 855/56, *British Borneo Military Administration Gazette*, 1 September 1945, Proclamation No. 1.

Sultan wrote to Captain T.S.Monks, the BBCAU's District Officer and Magistrate for Brunei, "expressing his continued loyalty to the British Crown, asking that these sentiments be passed on to the British Government in London". This, at least, as Captain Monk commented, "seemed to augur well for establishment of good relations with the Sultan".⁴⁹ Consequently, the proposed agreement with the Sultan, ceding jurisdiction to the British Monarch, became less urgent. The Colonial Office decided that action on the matter should be deferred until the British South-East Asia Command under Admiral Lord Louis Mountbatten took control of British Borneo from the Australian army.⁵⁰ In fact the transfer of command formally took place on 10 January 1946. By that time, however, Sir Harold MacMichael, had completed his mission to 're-negotiate' the treaties with the Malay Sultans and had been sent on another constitutional assignment to Malta.⁵¹ Since there were no other arrangements planned the renegotiation of the new treaty with the Sultan of Brunei had to be postponed.

When the Australian Forces were withdrawn from British Borneo, the civil affairs administration was taken over by the British 50 CAU, now known as the British Military Administration (BMA). The Australian BBCAU was dissolved but due to great shortage of manpower many of its members volunteered to stay on until the administration of British Borneo was handed over to Civil Government.⁵² As

⁴⁹T.S.Monks, *op.cit.*, p. 95.

⁵⁰CO 825/43/19/55104/20/1945, item 16: "Constitutional Documents required for re-establishments of Civil Governments in the Far Eastern Colonies", 20 October 1945.

⁵¹WO 203/4471A, Colonial Office to MacMichael, 17 December 1945.

⁵²WO 203/5535, War Office to SACSEA, 10 January 1946; *ibid.*, War Office to SACSEA, 19 December 1945; and War Office to SACSEA, 25 March 1946.

under the BBCAU the Borneo territories were treated as a single entity (with Labuan remaining as its centre) but the divisions were regrouped into North Borneo Area and Sarawak Area with four divisions each. The Brunei - Labuan Division was under the North Borneo Area.⁵³ Brigadier Macaskie was reappointed as the Chief Civil Affairs Officer of the BMA. His main tasks were to maintain law and order among the civil population, restore communications, public utilities and services and essential industries, organise the distribution of goods and advise and act on behalf of the local Commanders in their dealings with the civil population. He was also instructed to take necessary steps to establish as far as possible the essential framework of the administration within the liberated territories and lay the foundation of future civil government.⁵⁴

On 10 December 1945 the War Office told Lord Mounbatten the responsibility for the Civil administrations in the four territories in British Borneo should be assumed by the Colonial Office as soon as possible and to this end a target date of 1 March 1946 for planning purposes had been agreed with the Colonial Office.⁵⁵ Meanwhile the negotiations between the Colonial Office and Vyner Brooke of Sarawak had resulted in an unexpected unilateral decision by the Rajah to cede Sarawak to the British Crown. The Rajah planned to return to Sarawak briefly at the end of March to secure agreement from the people in the territory and to confirm the

⁵³F.S.V.Donnison, *op. cit.*, p.187.

⁵⁴WO 203/5535, War Office to SACSEA, 10 December 1945.

⁵⁵*Ibid.*

cession was in accordance with their wishes.⁵⁶ However, the negotiations with the Chartered Company for the transfer of sovereignty of North Borneo to the British Crown had not yet produced a breakthrough. The financial settlement remained the sticking point. The British Cabinet had ruled that British North Borneo must not be handed back to the Chartered Company and Civil Government could not be established until agreement had been reached.⁵⁷ As the British Government wanted the hand over of all administrations in British Borneo to Civil Governments to take place at the same time, the 1 March target had to be postponed again.⁵⁸ Subsequently the revision of Treaty with the Sultan of Brunei, which was considered not urgent, was deferred again, this time until after restoration of Civil Government in the State.⁵⁹

By July 1946 all the four Borneo territories were restored to civil government. On 15 July a new Colonial Administration was established in Sarawak after Rajah Vyner Brooke formally ceded his authority to the British Crown. The negotiations between the Colonial Office and the Chartered Company ended with the abolition of the British North Borneo (Chartered) Company's Government and as in Sarawak a Colonial Administration was established on 15 July. On the same day Labuan was transferred to civil government and incorporated into the new colony. As regards Brunei, the Colonial Office decided the pre-war constitution with a British Resident

⁵⁶WO 203/5535, War Office to British Military Administration (British Borneo), 5 February 1946; *ibid*, War Office to SACSEA, 16 March 1946. For discussions on the cession of Sarawak to the British Crown see in R.H.W.Reece, *The Name of Brooke: The End of White Rajah Rule in Sarawak*, Kuala Lumpur, Oxford University Press, 1982.

⁵⁷WO 203/5535, War Office to SACSEA, 16 March 1946.

⁵⁸WO 203/5535, War Office to SACSEA, 25 March 1946.

⁵⁹WO 203/5535, item 35, War Office to SACSEA, 1 March 1946.

acting as adviser to the Sultan and his State Council was to be restored pending a new treaty with the Sultan.⁶⁰ The Colonial Office had found "no suitable officer" to negotiate the new treaty with the Sultan and the matter had to be deferred again, this time until such time as the Governor-General of Malaya, Singapore and Borneo had taken office and could advise upon the question and also consider the possibility of the union of Brunei with the other British Borneo territories.⁶¹ In a simple ceremony held on 6 July 1946 Brigadier Macaskie read out the proclamation terminating the BMA in Brunei. At the same ceremony the Sultan affirmed his loyalty to the British Crown and pledged his full co-operation to the new British Resident, W.J.Peel, an officer in the Malayan Civil Service.⁶² On the same day the Governor-General, Malcolm MacDonald, assumed the post of the acting High Commissioner for Brunei. Before we proceed to examine MacDonald's consideration on the future status of Brunei, we shall consider the political developments in the State.

1.3 Barisan Pemuda: "Brunei for Bruneis"

The return to civilian administration had slowly reduced tensions between the Brunei Malays and the Chinese population which had fomented during the Military Administration. In its endeavour to administer relief work and to bring the State back on its own feet again the Military Administration recruited some local civilians from

⁶⁰WO 203/365, BMA (BB) to SACSEA, 11 July 1946.

⁶¹See: CO 537/2244, item 23, "Memorandum by the Secretary of State for Colonies on the Future of Brunei", 24 December 1947.

⁶²CO 537/1613, item 214A, Sultan to King, 6 July 1946.

the Chinese population because they spoke English and were less suspected as Japanese collaborators. The Brunei Malays, who had been treated more favourably than the Chinese by the Japanese, were placed under investigation for collaboration and many were suspended from their jobs pending the outcome of the investigations. It has been suggested that the Chinese supplied names to the Military officers conducting the investigations in retaliation against the Malays.⁶³ Fired by rumours that China would move to incorporate the territories of *Nan Yang* (South Seas), including the whole of Borneo, Malaya and the Dutch East Indies, into its territory, the Chinese in Brunei overtly exhibited their enthusiasm by flying Chinese flags in their premises and spreading rumours that the Chinese troops would soon arrive in Brunei to bring the State under the Chinese rule.⁶⁴

The Military Administration's pro-Chinese policy and the Chinese "arrogant behaviour" caused resentment among the Malays. The tensions between the Malays and the Chinese culminated in a clash between the two communities in front of the Brunei Town Fish Market on 24 March 1946.⁶⁵ A witness said that the fight started after a Chinese customer and a Malay fish monger argued over the price of a fish.⁶⁶ However the fighting was quickly brought under control by the military police.

⁶³Interviews with: Salleh bin Masri, March 1993; Marsal bin Maun, April 1993; Jamil bin Omar, April 1993.

⁶⁴*Ibid.* The 1947 Census puts the total number of Chinese in Brunei as 8,313 out of the total number of population of 40, 675. See L.W.Jones, *Report on the Census of Population taken on 10 August 1960*, Kuching, Government Printer, 1961, p. 28. Effects of the capitulation of the Japanese on the rise of Chinese nationalism in Sarawak see R.H.W.Reece, *op.cit.*, pp. 158-160.

⁶⁵Pehin Haji Jamil Al-Sufri, *Liku-Liku Perjuangan Pencapaian Kemerdekaan Negara Brunei Darussalam*, Brunei, Pusat Sejarah, 1992, p.6.

⁶⁶Interview with Pehin Begawan Khatib Haji Moxsin bin Othman, March 1993.

Although there were no fatalities the news of the fighting quickly spread to the Malay villages nearby. Several hundred Malays from *Kampong Ayer* (Water Village) on the banks opposite the Brunei River got into their boats and were heading to "crush" the Chinese in Brunei Town. Meanwhile, the Chinese assembled their men in readiness to put up a fight. However the clash was averted by the British soldiers who forced the Malays to turn back and immediately imposed a twelve hour-curfew. Three Malay youths were arrested and detained briefly for leading the fight.⁶⁷

Following the Fish Market Incident the Malays began to realise that unless they were united and spoke with one voice their political influence would soon be lost to the Chinese who were educationally and economically more advanced. Hence on 12 April 1946 a group of young Malays secretly assembled in a house belonging to Ya'akob bin Othman at Kampong Sungai Kedayan and decided to form an association called Barisan Pemuda (Youth Front) or popularly known as Barip. Because the Military Administration prohibited assembly of people or formation of an association the Barisan Pemuda was not registered until the return of the civil government in July. Among the office bearers elected were: Abdullah bin Jaafar (President); Pengiran Yusuf bin Pengiran Abdul Rahim (Vice President); Jamil bin Omar (Secretary-General); Hidup bin Awang Besar; Yassin Affandi bin Abdul Rahman; and Hashim bin Tahir.⁶⁸

The members of Barisan Pemuda mainly consisted of young "educated" Malays who were school teachers, policemen or low grade officers in the Civil Service and

⁶⁷*Ibid.*

⁶⁸Pehin Haji Jamil Al-Sufri, *op.cit.*, pp. 6-7. For biographical notes see Appendix I.

many unemployed.⁶⁹ In fact the Front was an opposite to the pre-war Kesatuan Melayu Brunei (Brunei Malay Association), which comprised older generation and which the youths felt not aggressive enough in standing up for the rights of the Malays.⁷⁰ Many of the young men who sponsored the formation of the Barisan Pemuda had been sent to military training camps set up by the Japanese (in Miri, Labuan and Kuching) mainly for anti-Western indoctrination. Their experience during the occupation thus shaped their political attitudes and thinking. In addition to the Japanese anti-Western propaganda the Brunei youths were also stimulated by the on going Indonesian war of independence against the Dutch.⁷¹

The Indonesian influence was markedly explicit among the members of the Barisan Pemuda, who like the Indonesian nationalists, greeted each other with "a fist and a shout: Merdeka! (freedom)". However despite this overt display of nationalism the association had no explicit programmes or concerted demand for self-government or independence for Brunei. Pengiran Yusuf, looking back after forty-seven years, said: "At that time independence was not our immediate priority; our main concern was to unite young Bruneis so as to form a front in safeguarding the rights of the Bruneis in their own homeland against immigrants".⁷² United under a slogan "Brunei

⁶⁹In retrospect the highest education available to the Malays during the pre-war period in Brunei was standard five Vernacular school. The only post primary school available was a three-year teacher training in Malaya. See Introduction, pp.23-25.

⁷⁰Interview with Pengiran Yusuf, April 1993.

⁷¹The writer's various informants said that they used to follow Indonesian political development including Sukarno's declaration of independence in 1945 and his speeches through the Indonesian radio which they received clearly in Brunei. They also said that school children used to sing Indonesian patriotic songs. When the Civil Government returned to Brunei Indonesian magazines and books were available.

⁷²Interview in April 1993.

for Brunei", the youths demanded an end to the British Military Administration and restoration of the British Residency because they believed that under the latter Malays interests would be better protected.⁷³ Thus in early May 1946 the military authorities in Brunei sent a message to the Colonial Office in London stating: "No administrative convenience solved by retention Brunei under BMA and definite desire by population for early return [to] Civil Government".⁷⁴ The Colonial Office's decision to restore the pre-war system of British Residency in Brunei on 6 July and to defer the Agreement to acquire full jurisdiction from the Sultan were evidently influenced by these political developments.

On 16 July MacDonald arrived in Brunei, in his capacity as the new acting High Commissioner for the Sultanate, to assess the political situation. The Barisan Pemuda used the occasion to voice its demands and grievances. On one of the arches erected in the Brunei Town to welcome the Governor-General Front wrote: "Sole Right to the Sultan and his Subjects". W.J.Peel, the new British Resident, was not impressed and ordered the writings be changed to "*Selamat Datang*" or "Welcome", similar to arches built by the Brunei Malay Association and the Chinese and Indian Communities. But the members of the Barisan Pemuda refused to comply and warned that if forced they would bring the whole arch down as a symbol of protest. However the matter was resolved when the Sultan intervened and overruled the British Resident's order.⁷⁵ In order to make its message clearer the Barisan Pemuda submitted

⁷³*Ibid.*

⁷⁴WO 203/5535, 32 INF BDE to ALFSEA, 8 May 1946.

⁷⁵Pengiran Yusuf, who brought the matter to the Sultan, said he was not surprised at the Sultan's decision to overrule the British Resident and to side with the Barisan Pemuda because he knew that Sultan was also concerned at the rise of Chinese

a petition to MacDonald calling for priorities be given to Malays in appointments in the Government Service. They also wanted Malays be trained to take over important positions in the State administration. Further they sought a ban on the flying of Chinese flags; and for the Union Jack to be flown only in the British Resident's office when he was present. In addition the Front urged the British to consider independence for Brunei and to guarantee its future status as a Malay Islamic Sultanate.⁷⁶ The youth never received a reply from MacDonald. There seems to be no mention of the petition in the latter's letter to the Colonial Office following the visit, except the acknowledgment that there were "indications that young Malays are beginning to be apprehensive of a policy in Brunei which would result in Chinese influence at the expense of themselves".⁷⁷ However, Sir Dato John Peel, recalls that he told a delegation from the Barisan Pemuda which came to see him with regards to the future of Brunei that "independence was much too early for Brunei at that stage".⁷⁸

At the height of its popularity in the middle of 1946, the Barisan Pemuda claimed to have "a few thousand members" in Brunei and "a few more thousand supporters" in Labuan and North Borneo. When Salleh bin Masri, who took over the leadership of the movement in early July 1946 visited Jesselton towards the end of 1947, he was given a rousing red carpet welcome.⁷⁹ However, the Barisan Pemuda

influence in the State. Interview with Pengiran Yusuf, April 1993.

⁷⁶Interviews with Salleh bin Masri, March 1993 and Pengiran Yusuf, April 1993.

⁷⁷CO 537/1613, item 227, MacDonald to Colonial Office, 18 July 1946.

⁷⁸Interview with Sir Dato John Peel, July 1995.

⁷⁹There were two similar movements formed in the middle of 1946 in the neighbouring territories: Barisan Pemuda, Labuan and Barisan Pemuda, Jesselton.

did not last long and was not able to transform itself into an effective political party. By August 1947 it seemed "to be on the wane".⁸⁰

The British looked with distrust upon the "tiresome" youth movement. In a letter home in August 1947 Lady Datin R. Peel, the wife of the British Resident, wrote:

"Our tiresome Malay Youth Association seems to be on the wane and John doesn't want anyone reviving it. ...We are glad for them to be getting into a decline and the conservative and more cooperative elements coming to the fore".⁸¹

In the following December she wrote again:

"The school teachers in the past have been the most violent politically of all the Government servants and keen members of the Malay Youth Association. ...The Society, which has a membership of thousands, appears to be defunct, another virus of which the State has been rid in John's time here".⁸²

It was not only that the movement was violent and communal in nature but more importantly it drew its inspiration from Indonesia. The British felt that if it was not checked it would in the long term endanger the British interests in the area. In fact on his private visit to Malaya in February 1947 Sultan Ahmad Tajuddin when asked by the press about the Indonesian war against the Dutch replied that "the people in

Like the Brunei's Barisan Pemuda the members of the two associations were exclusively Malays - Brunei Malays - and; in fact their formation were moved from Brunei. Interviews with Salleh bin Masri, March 1993 and Pengiran Yusuf, April 1993.

⁸⁰See note below.

⁸¹The writer is indebted to Datin Lady R. Peel who kindly allowed the former to use her "Letters Home from Brunei" (type script).

⁸²*Ibid.*

Brunei were fully aware of the struggle of the Indonesians for independence". He added that he did not "blame the Indonesians for fighting against the Dutch as the Dutch have long oppressed the Indonesian people".⁸³ Furthermore, the movement was seen as an obstacle to the constitutional and political changes which had been planned for Brunei. Therefore the British felt every means had to be used to humble the "tiresome" youth movement. In the middle of 1947 Pengiran Yusuf, the Deputy President, and Jamil bin Omar, the Secretary-General, were sent back to Malaya to continue their teachers' training, which had been disrupted by the war. (When he came back in 1950 Pengiran Yusuf was posted to Temburong district, where he stayed until 1954). Hidup bin Awang Besar, the Deputy Secretary-General and Hashim bin Tahir were among the leaders of the movement transferred to outer stations either in the Temburong district or Belait district.⁸⁴ This ingenious tactics denied the Barisan Pemuda of its prominent leaders and as a result it lapsed into inactivity.

The decline of the youth movement could also be attributed to the British designs as well as to its own achievements. By the middle of 1947 all the Malay Civil servants, who had been suspended by the Military Government on suspicion of collaborations, had been reinstated. Salleh bin Masri, the leader of the Barisan Pemuda, claims that he was offered a senior post in the Education Department by the British Resident but declined on the grounds that he wanted to lead his movement.⁸⁵ At the same time the British administration became more attentive to Malay

⁸³*Straits Times*, 28 February 1947. This report was sent to the Colonial Office. See: CO 537/2244, item 2.

⁸⁴Interviews with Hashim bin Tahir, April 1993; Yassin Affandi, December 1992 and June 1993.

⁸⁵Interview, March 1993.

sensitivities in regard to Chinese power and influence in Brunei. These developments had, at least for the time being, satisfied the Malays. Moreover the rehabilitation programmes of the Government and the Oil Company had provided jobs to many young people which prevented them from being involved in political activities.

Furthermore the British had also taken steps to control and restrict the activities of organised bodies in the State. In April 1948 the Sedition legislation was passed and this was followed in October 1948 by the Societies legislation. Besides preventing any activities which would incite feelings against any particular race or class or the administration, the Sedition Enactment was aimed at preventing import of "undesirable" publications, particularly from Indonesia, which had been the source of inspiration for many of youths in Brunei. But it was the Societies Enactment which caused the final blow to the Barisan Pemuda because the Enactment provided registration only to socio-economic and cultural bodies and not political bodies.⁸⁶ In order to be able to function the Barisan Pemuda had to rewrite its constitution; and thus in early 1949 it emerged as the Angkatan Pemuda Brunei (APB), with aims of improving the socio-economic conditions of its members and promoting ancient cultures and traditions of the Sultanate.⁸⁷ However, the APB failed to attract as many supporters as its predecessor. Nevertheless, the APB existed until it was succeeded by the Partai Rakyat Brunei in 1956. In the absence of a vocal body such as the Barisan Pemuda, the pre-war Persatuan Guru-Guru Melayu Brunei (PGGMB), or Brunei Malay Teachers' Association, which had been overshadowed by the activities

⁸⁶The Sedition Enactment, 1948, BA/12116/1978; The Societies Enactment, 1948, BA/12115/1978.

⁸⁷Interview with Pengiran Yusuf , April 1993.

of the former moved into the centre ground to become an important critic of the Government.

1.4 Brunei Administrative Association with Sarawak

In January 1947 the Governors' Conference, which was chaired by MacDonald and attended by the Governors of North Borneo and Sarawak and the British Resident of Brunei, agreed that the proposed Treaty to secure jurisdiction from the Sultan of Brunei "should wait until the trouble in Sarawak and Malaya was over".⁸⁸ The unilateral decision of the Rajah Vyner Brooke to surrender his Kingdom to the British Crown resulted in a stormy protest by the Malays in the territory who wanted to remain under the White Rajah rule. Similar protest had also occurred in Malaya as a result of the implementation of the Malayan Union plan in the middle of 1946.⁸⁹ The existence of the "tiresome" youth movement, the Barisan Pemuda, the British feared similar trouble in Brunei. However MacDonald stressed to the Colonial Office that "Brunei could not stand alone owing to difficulties of staff, etc., and should therefore be associated with either Sarawak or North Borneo". In effect he believed that "the ideal solution from the point of view of efficiency would be cession", but he was adverse to seeking to end the sovereign status of Brunei. Therefore he felt that

⁸⁸CO 537/2244, item 1, Extract from Minutes of Governors Conference held on 31 January 1947 at Jesselton.

⁸⁹The trouble in Sarawak or anti-cession protest ended with the stabbing of the Governor, Duncan Stewart, in December 1949. For discussion on the Anti-Cession Movement See R.H.W.Reece, *op.cit.*, Chapter IX. The trouble in Malaya ended with replacement of the controversial Malayan Union plan with the Federation Of Malaya Agreement. On the subject see: A.J.Stockwell, *op.cit.*, and Albert Lau, *op.cit.*

"the best solution would be that the Governor of either North Borneo or Sarawak should be the High Commissioner for Brunei".⁹⁰

By April 1947 the trouble in Malaya began to subside as a result of the British decision to scrap the Malayan Union and replace it with the Federation of Malaya Agreement. "The way is clear for us", MacDonald wrote to the Colonial Office, "to make progress concerning the future set-up in Brunei".⁹¹ Thus in May 1947 MacDonald held discussions with Peel in Brunei, the Governor of North Borneo, E. Twining, and the Governor of Sarawak, Sir Charles Arden-Clarke. It was concluded that

"Brunei should not be left to stand on its own administrative feet. It is too small a State to transfer a sufficient number of good Administrative and Technical Officers to the higher grades of its public services, and therefore cannot by itself achieve a proper standard of Government. It should be associated with a larger administrative unit which can aid it in these matters".⁹²

At the same time, MacDonald proposed Brunei should remain a separate State because any suggestion of cession to the British Monarch or absorption into a Colony would, in his opinion, "be both impolitic and wrong, since it would be unlikely to be

⁹⁰Mentioned in CO 537/2244, item 1, Extract from Minutes of Governors' Conference held on 31 January 1947 at Jesselton. It was also mentioned in the same file (A.N.Galsworthy's Minute of 22 April 1947) that MacDonald discussed the question of the administrative future of Brunei with the Colonial officials on 8 January 1947.

⁹¹CO 537/2244, item 3, MacDonald to Secretary of State for the Colonies, 17 April 1947.

⁹²*Ibid.*, item 5, MacDonald to Secretary of State for the Colonies, 16 May 1947.

acceptable to either the Sultan or his State Council or his subjects".⁹³

Further MacDonald explained that the association he was proposing was on the basis that "a State under the protection of His Majesty is being joined for administrative and any other necessary purposes with a neighbouring British Colony, without any derogation in theory from the former's present constitutional position".⁹⁴ Accordingly, he presumed that the Governor of the Colony concerned would become High Commissioner for Brunei; administrative and technical services of Government of both territories would be joined in some way which enabled good officers to serve in Brunei. Brunei would pay for these and other aids. The general policy in both territories would be similar. The British Resident in Brunei would be under the authority of the Governor, who would direct policy in both territories. MacDonald suggested that Brunei should be associated with Sarawak rather than with North Borneo; among "the decisive" arguments being that Brunei was "surrounded and divided by Sarawak territory". He argued that if Brunei were associated with North Borneo, "very difficult political and administrative questions would arise". Anyway he envisaged in due course the three territories, Sarawak, North Borneo and Brunei should be brought under one administration, either on a unitary or federal basis. But MacDonald and his colleagues agreed that the "matter should be approached cautiously for various political susceptibilities - especially in Sarawak and Brunei - have to be treated tenderly, but we think that it should be possible to achieve our objective some time in the next five or ten years".⁹⁵

⁹³*Ibid.*

⁹⁴*Ibid.*

⁹⁵*Ibid.*

The Governor-General asked authorization from the Secretary of State for the Colonies to start discussions on his proposals with the Sultan of Brunei and members of his State Council. He expected that the Sultan and his Advisers would raise some objections to the scheme and that they might prove "formidable difficulties" but he was confident that he could get something on the general lines of his proposals accepted.⁹⁶

There were different views among the Colonial Office officials to the administrative changes proposed by the Governor-General. N.L.May, the Head of the Borneo Department, thought that there was "no obligation to discuss or negotiate the matters under the Agreement [of 1888] and Supplementary Agreement [of 1905/1906]". He said the Sultan should be informed "as a matter of courtesy but, unless it is necessary to do so, I think it would be a mistake to make them the subject of discussions or negotiations". If otherwise, he felt that consideration should be given to the question whether they should not also cover the modification of the Agreements so as to cede such jurisdiction to His Majesty as will enable him to legislate for the State under Foreign Jurisdiction Act to the fullest extent, in accordance with the Cabinet Committee's decision in 1945.⁹⁷ On the other hand G.Seel, the Assistant Under-Secretary, felt that in the light of experience in the Malayan Union, MacDonald was "right in proposing to be frank with the Sultan from the start". He said: "We are having to retrace our steps in Malaya in the matter of jurisdiction and I should have thought it wise to wait and see the final outcome of that before embarking on

⁹⁶*Ibid.*

⁹⁷CO 537/2244, Minute by N.L.Mayle, 23 May 1947.

adventures elsewhere".⁹⁸ The Secretary of State agreed, and told the Governor-General that "it would be unwise at present to propose any changes in the agreement beyond those required to bring it into line with what is now planned for protected states in Malaya".⁹⁹

Following this MacDonald discussed the question of Brunei's future with the British Resident and the two Bornean Governors at the end of May and again when the latter came to Singapore at the end of June 1947. In October MacDonald informed the Secretary of State: "Unfortunately, my illness followed immediately and has prevented further action until now".¹⁰⁰ He also informed him that they all agreed that it was not necessary to raise with the Sultan the question of the jurisdiction of the British Monarch in Brunei because they (the British Government) could achieve in practice all they desired under the terms of the existing Treaty; and thus he said,

"it is undesirable to raise questions which would involve amendments to [the 1905/1906] Treaty, since this might tend to arouse an opposition party to our proposals and perhaps to defeat our proposals altogether".¹⁰¹

MacDonald asked for the Secretary of State's agreement to his proposals which he wanted to put to the Sultan and his advisers. They were:¹⁰²

(a) The Governor of Sarawak would assume the duties of High Commissioner

⁹⁸CO 537/2244, Minute by G.Seel, 24 May 1947.

⁹⁹CO 537/2244, item 6/8, Secretary of State to MacDonald, 29 May 1947.

¹⁰⁰*Ibid.*, item 14, MacDonald to Secretary of State 23 October 1947.

¹⁰¹*Ibid.*

¹⁰²*Ibid.*

for Brunei, and as such would exercise the same powers as were exercised by the Governors of the Straits Settlements before the war and by the Governor-General since his appointment.

(b) The Governor-General would have the same relationship to Brunei as he has to the Malayan Union, Singapore, Sarawak and North Borneo.

(c) The Resident in Brunei would come under the High Commissioner. His powers as Resident ... would be the same as that of Residents in Brunei in the past.

(d) The Heads of Sarawak Technical Departments e.g. Education, Health and Agriculture, would become also effective Heads of their respective Departments in Brunei. Whether this would be as advisers to His Highness or as formal executive Heads of Brunei Departments can be decided in the light of the Sultan's reactions. In either case Brunei would have immediately the benefit of the help of these experienced officers.

(e) In addition, ... Brunei would secure in the near future the services of one or two good junior officers. In particular, the Sarawak service would provide a full time Education Officer to administer the Education Department in the State under the general supervision of the Director of Education.

(f) Brunei would have its own budget. It would pay the Sarawak Government for services rendered. For example, it would pay part of the salaries of advisers or departmental heads, and the whole salaries of the officers giving full time to its service.

The Governor-General said that he would emphasise to the Sultan that the proposals involved no change whatever in the independence of Brunei, in the sovereignty of its

Sultan, its relation to Britain as the protecting power and the substantial advantages to the people of Brunei which the proposals envisaged as a result of improved administration and technical services. He would also wanted to point out to the Sultan that these advantages could be gained in no other practical way.¹⁰³

On 8 November 1947 the Secretary of State informed MacDonald that he approved of the proposal to explore the situation informally with the Sultan with a little modification: that the Heads of Sarawak technical departments could not be effective Heads of respective departments in Brunei; they could only act as advisers to the Sultan.¹⁰⁴ He offered his own suggestions: Firstly, in order to avoid suspicion in the mind of the Sultan that the British were proposing to equate the position of Brunei, that of Singapore or North Borneo which were colonies, the Governor-General should explain to the Sultan that the High Commissioner would in respect of Brunei stand in the same relationship to the Governor-General as would the High Commissioner for the new Federation of Malaya in respect of the protected States of Malaya. Secondly, the Governor-General should avoid from the outset any reference to changes in the status of the territory or treaty. He said

"if the Sultan is left to ask for assurance that no such changes are involved, which can, of course, be readily given, it seems to me that he is less likely to ask for an assurance that no such changes will be made in the future. A request for an assurance about the future would, of course, involve careful consideration. I suggest that changes might, for example, be described as being

¹⁰³*Ibid.*

¹⁰⁴CO 537/2244, item 15, Secretary of State to MacDonald, 8 November 1947.

purely administrative and necessitated by the post-war changes in the Governorship arrangements for the Malayan territories".¹⁰⁵

Finally, in order to avoid the misconception that Brunei would in practice become a Division of Sarawak, as the result of changes, the Secretary of State suggested that it might be preferable merely to say that there would be no change in the position of the Resident in relation to the Sultan.¹⁰⁶

Towards the end of November 1947 MacDonald proceeded to Brunei and, along with the British Resident, presented his proposals to the Sultan. He reported:

"On the first day I and Peel had a long conversation with the Sultan. I put the whole set of the proposals to him with no items excluded. I emphasized that the reason for them was administrative and that they involved no change in the position of Brunei or its Ruler. The Sultan agreed to the proposals without exception".¹⁰⁷

On the following day MacDonald presented his proposals to the State Council, in which the Sultan was also present. He said:

"As a result of a long conference and of answers which Peel and I were able to give to the queries and doubts of some Members, Council agreed unanimously to the whole plan".¹⁰⁸

MacDonald told the Secretary of State that the "only point arising" from the talks, held

¹⁰⁵*Ibid.*

¹⁰⁶*Ibid.*

¹⁰⁷CO 537/2244, item 16, MacDonald to Secretary of State, 24 November 1947.

¹⁰⁸*Ibid.*

in the atmosphere which he described as "extremely friendly", was that "the Sultan and Members of the State Council all attach importance to the fact the position and authority of the British Resident in Brunei will not ...be changed". MacDonald said that the Sultan and Members of the State Council asked him to report to the Secretary of State "their unanimous and unqualified agreement" to the proposals.¹⁰⁹

Following these successful talks MacDonald formally recommended his proposals for Brunei to be administratively associated with Sarawak to the Secretary of State. He suggested that the changes should take place on the date when he assumed Lord Killearn's duties as Special Commissioner of the United Kingdom in Southeast Asia. He thought this was the most suitable arrangement because the transfer of High Commissionership from himself to the Governor of Sarawak was represented as administratively convenient change following of his additional duties, this would minimise any possible suggestion by critics that change of High Commissionership in Brunei had a deep and sinister political significance. MacDonald and Peel did not anticipate "any serious criticism of the proposals in Brunei when they were announced, except perhaps a few doubting voices, unless Anthony Brooke¹¹⁰ seeks to stir up trouble on the issue".¹¹¹

On the basis of MacDonald's recommendations, on 24 December 1947 the Secretary of State drew up a memorandum for the Cabinet and Commonwealth Affairs

¹⁰⁹*Ibid.*

¹¹⁰Anthony Brooke was a nephew of the Third Rajah of Sarawak who led Anti-Cession Movement in Sarawak. He was the heir designate to the Sarawak Raj before his uncle ceded the State to the British Crown.

¹¹¹CO 537/2244, item 16, MacDonald to Secretary of the State, 24 November 1947.

Committee to seek approval of the British Government on the new constitutional arrangement for Brunei and to arrange for the Governor of Sarawak to assume the High Commissionership for Brunei on 1 May 1948, when MacDonald assumed the duties of the British Special Commissioner for Southeast Asia.¹¹² While preparations were made in London for issuing "official communique to the world press" after the British King's approval of the changes, in early January 1948, rumours were circulating within the State that "the Governor of Sarawak is to be appointed also Governor of Brunei".¹¹³ The reaction to the rumours was that some people were "asking why Brunei should be made subordinate to Sarawak". Following this, R.Hone (Secretary-General to the Governor-General) and his assistant, E.E.F.Pretty in Singapore, travelled to Brunei in the absence of MacDonald who was in London, to discuss the matter with Peel (the outgoing British Resident) and L.H.N.Davis (the incoming British Resident). They agreed that an early clarification was desirable. They suggested that the British Resident accompanied by *Pengiran Bendahara* as the Sultan's representative should tour every district in the state and explain the plan to all District Officers, *Penghulu* and *Ketua Kampong*. They were confident that if the people were assured that the plan would not entail application of Sarawak laws or posting of Sarawak native officers to Brunei it would be accepted and successfully counter the existing rumours.¹¹⁴

¹¹²CO 537/2244, item 23, Memorandum by the Secretary of State for the Colonies on the Future of Brunei", C.A.(47) 22, 24 December 1947.

¹¹³CO 943/1/59706/1948, item 7, MacDonald to Secretary of State, 10 January 1948.

¹¹⁴*Ibid.*

The leakage was suspected "from the State Council and/ or Hassan" (the Sultan's Private Secretary).¹¹⁵ However the British Resident had said that some time after the Governor-General's meeting with the State Council in November that he took precaution of sounding several members to ascertain whether, after reflection, any of them were having second thoughts on the proposals. He had no reason to think that there was still anything but full continued support for the plan from them and the Sultan.¹¹⁶ But the way the British officials reacted to the rumours raised some doubts of the claim that the Sultan's advisers were unanimously in favour of the Governor-General's plan. In fact, at least one of them, Pehin Della Dena of Tutong, had written "a disquieting letter" [in regard to the proposed changes] to Pretty in December 1947.¹¹⁷

In early March 1948, Davis, who had taken office as the new British Resident, made his tour of Brunei to announce and explain the changes. He was accompanied by the *Pengiran Bendahara* (Pengiran Muda Omar Ali Saifuddin - who was described by the British Resident as more popular than the Sultan), *Pengiran Pemanca* and Hassan bin Kulup, the Sultan's Private Secretary. When the rumours "had become wide spread" Davis decided to extend the audience from Chiefs and Village Headmen to government employees and members of the public. At the end of his tour Davis informed Hone in Singapore that:

"Announcement was regarded with considerable suspicion until it was

¹¹⁵*Ibid.*

¹¹⁶CO 943/1, item 109, Governor-General to Secretary of State, 10 January 1947.

¹¹⁷CO 943/1, item 30, "Report on Tour of Brunei to Announce Forthcoming Administrative Change" by the British Resident, L.H.N. Davis, 9 March 1948.

explained emphatically that it does not involve political or financial subjection to Sarawak or its laws or transfer here of Sarawak Native Officers. This and other explanations have been carefully given in five main centres and I am satisfied that significance of changes is now understood and that former objections and doubts based on rumours and misapprehensions have been dispelled. Only sign of opposition has come from isolated members of now dormant youth association [Barisan Pemuda], notably school teachers, who have tried to suggest this announcement of fait accompli is undemocratic. They have negligible following and population as a whole has accepted forthcoming advantages willingly and wholeheartedly".¹¹⁸

However Marsal bin Maun, one of the spokesmen of the opposition, recalls that many people, particularly those in the civil service, did not want to speak out against the plan because they were afraid of repercussions. Despite the explanations given, he said, they were still suspicious of the motives of the British in associating Brunei with Sarawak. They would have preferred to be federated with Malaya.¹¹⁹ The mood of the people at that time was perhaps best summed up by Davis in the conclusion to his report:

"I should like to conclude with the opinion that had the change involved any closer association with Sarawak there would have been very real, though passive, opposition, not only from those doctrinaire opinions, but also from the older and more responsible members of the community. This is partly due to

¹¹⁸CO 931/1, item 29, Acting Governor-General to Secretary of State, 9 March 1948.

¹¹⁹Interview with Marsal bin Maun, April 1993.

the historic distrust of Sarawak, which still exists to some extent, and partly to the deep rooted conservatism of the inhabitants of this State in the mass".¹²⁰

On 17 April 1948 the Sultan and the Governor of Sarawak signed an agreement relating to employment of senior officers on the Sarawak Establishment by the Government of Brunei. These senior officers included the British Resident and the Assistant British Resident.¹²¹ As planned, on 1 May 1948, Sir Charles Arden-Clarke, the Governor of Sarawak, assumed his duty as the British High Commissioner for Brunei, on the same day that Malcolm MacDonald took over as the British Commissioner-General for Southeast Asia. No document was signed or exchanged on that day except for the reading of the commission of appointment of Sir Arden-Clarke in front of Brunei's dignitaries in the State Court House. The Sultan called the occasion "a day of great historical event in the State of Brunei" and hoped that it would bring "distinctive progress, ...wealth and richness to the State".¹²² In his speech the new High Commissioner assured the people of Brunei that there was

"no question of Brunei coming under Sarawak or Sarawak coming under Brunei, or the interests of one being sacrificed to the interests of the other. ...The administration of the two countries will remain separate. There is no change in the status of Brunei, which remains a Protected State with a High Commissioner. The State of Brunei will continue to have its own Sultan, its

¹²⁰CO 943/1/59706, item 29, Acting Governor-General to Secretary of State, 9 March 1948.

¹²¹The Brunei/Sarawak Agreement is found in BA/1258/1983.

¹²²*Ibid.*, item 43, "Translation of Sultan's Speech", enclosure in Governor of Sarawak to Secretary of State, 18 May 1948.

own Constitution, its own laws, its own budget, its own flag, and its own stamps".¹²³

In other words the arrangement between Brunei and Sarawak that took place on that day was "a simple administrative change and ...(had) no political implications of any kind". As the High Commissioner for Brunei, Sir Arden-Clarke, promised that it was his duty and responsibility to safeguard the interests and welfare of Brunei and its inhabitants and to provide for its future development and progress. He stressed: "This duty I shall do my utmost to discharge faithfully and impartially, not only when I am visiting Brunei but also when I am in Sarawak, where I shall be equally mindful of it".¹²⁴

Despite this rhetoric, however, an important intermediate step towards the possible assumption of jurisdiction within the State of Brunei by the British Monarch was accomplished, and the way was open for the next phase, that of constitutional reform and a revision of the Treaties.

¹²³*Ibid.*, Speech by His Excellency the Governor of Sarawak.

¹²⁴*Ibid.*

CHAPTER 2

THE CONSTITUTIONAL PROPOSALS 1948 - 1955

This chapter begins by examining the circumstances leading to the introduction of the written Constitution of Brunei following the Sultan's proposal in May 1953. This is followed by discussion of the work of the committee formed to ascertain the public opinion on the proposal. The last section examines the High Commissioner's draft Constitutional Enactment which was based on the committee's recommendations.

2.1 "The Sultan should be advised to grant a Constitution".

In December 1948 a Colonial Office official observed that "very little" was heard about the political and social developments in Brunei compared to Sarawak despite the fact that the oil industry in the former had "recovered remarkably well". He was wondering whether Sir Charles Arden-Clarke might "not yet have got into the habit of thinking in his dual capacity as Governor of Sarawak and High Commissioner for Brunei".¹ It was agreed that the matters would be raised with the High Commissioner when he returned to England on leave in February 1949.² Subsequently

¹CO 943/1/59706, Minute by K.P.Ashton, 29 December 1948.

²CO 943/1/59706, Draft letter to the High Commissioner by K.P.Ashton, 29 December 1948. Ashton said the letter was intended to draw out the High Commissioner's idea on a policy on Brunei particularly in the constitutional and local government field. But the letter was not sent because the Colonial Office decided to raise the matter when the High Commissioner returned to England in February. See *ibid.*, Minute by K.P.Ashton 29 December 1948 and Minute by G.C.Whiteley, 29 December 1948.

Sir Arden-Clarke told the Colonial Office that "nothing much could be done until the M.C.S. officers in Brunei had been replaced by Sarawak officers."³

In October 1949 the new High Commissioner, C.W.Dawson, wrote to the Secretary of State, A.Creech Jones, informing him of "the unsatisfactory position" which existed in regard to the legislation currently in force and which might be enacted in future in Brunei. Dawson explained that before 1906, when the British Residency was established, no written laws appeared to have been enacted, other than the Treaties with Britain. Since then, he observed, laws began to be enacted in written form in the same enacting words: "it is hereby enacted by His Highness the Sultan in Council as follows:"; and each enactment was signed at the top by the British Resident.⁴ The High Commissioner was prepared to accept enactments in that form laws in the State if they were enacted by the Sultan in Council. But he found out that some enactments were passed in the absence of the Sultan. He doubted the validity of such laws, arguing that the Sultan of Brunei was an autocratic sovereign, and "he alone (unless he delegates his powers) can make laws for the Government of his State".⁵ Dawson proposed that measures should be taken to remedy the "unsatisfactory situation", including the passing of an "interpretation and general clauses ordinance" by the Sultan himself in Council, making clear that the Sultan needed not be personally present in the State Council for legislation to be valid. Once the steps had been taken he believed that doubts on the validity of the enactments would be

³CO 943/1/59706/1, Minute by Ashton, 23 February 1949.

⁴CO 943/1/59706/1, item 1, C.W. Dawson to A. Creech Jones, 14 October 1949.

⁵*Ibid.*

removed. Subsequently, he proposed that, "the Sultan should be advised to grant a Constitution".⁶

Despite the recommendation by the High Commissioner for the matter to be considered urgently, the Colonial Office did not take action until the middle of 1950.⁷ In August the new Secretary of State for the Colonies, James Griffiths, blamed "extraordinary pressure of work" in his legal adviser's office for the delay. But the assassination of Duncan Stewart, the Governor of Sarawak (and the High Commissioner for Brunei) who succeeded Dawson, in December 1949 by a member of the Sarawak Anti-Cessionist Movement, was also partly responsible for the delay. Nevertheless in his reply, Griffiths agreed that steps should be taken to remedy the legislative problems in Brunei as suggested by Dawson. However the Secretary of State said he was advised that since the legislative power was not conferred on the Sultan in Council by any written law, an "interpretation ordinance" was not an appropriate law by which to establish a particular method for the exercise of such power. The most suitable method he felt would be to make the necessary provision in any Constitution which be granted. But since the drawing up of a Constitution would take considerable time, he suggested, as an interim measure, that the Sultan should enact a law governing the exercise of his legislative powers which should expressly confer upon the Resident in Council the power to legislate if the Sultan was

⁶*Ibid.*

⁷CO 943/1/59706/1, See Minute by J.C.McPetrie, 24 June 1950.

absent or unable to act. This law could also give validation to laws enacted by the Resident in the past.⁸

The Secretary of State said he was "in full agreement with [the] proposal that the Sultan should be advised to grant a Constitution". However, he pointed out that it would be "desirable if possible to ascertain whether the power to grant a Constitution does in fact reside in the Sultan".⁹ Otherwise, he felt the Malay States precedent could be followed where in each case the Constitution was granted by the Ruler. The Secretary of State also raised the question of whether the interim measure he had suggested i.e. the Sultan delegate his legislative power to the Resident in Council if he should be absent or unable to act, would by itself meet the constitutional requirements or whether a more elaborate Constitution should later be enacted.¹⁰

In his reply in December, Sir Anthony Abell, the new High Commissioner, agreed with James Griffiths that drawing up a Constitution might take a considerable time because the Sultan's rights under the existing treaties, his competence to grant a Constitution and the character of the new treaty would have to be addressed. He said it was advisable to legalise the present practice and procedure for legislation in Brunei as a separate step in a process which should be completed by the establishment of a Constitution.¹¹ Sir Anthony Abell thus envisaged an elaborate Constitution which

⁸CO 943/1/59706/1, item 2, Secretary of State to High Commissioner, 17 August 1950.

⁹*Ibid.*

¹⁰*Ibid.*; CO 943/1/59706/1, Minute by J.C.McPetrie, 24 June 1950.

¹¹CO 943/1/59706/2, item 1, High Commissioner to Secretary of State, 30 December 1950.

would involve a revision of the Treaties with Brunei. The political situation in Brunei during the period seem to warrant such an approach (see below).

Towards the late 1940s Sultan Ahmad Tajuddin's relations with the British Resident in Brunei became strained. His main complaint was that he had not been treated in the same manner as the Sultans in Malaya, each of whom had a palace built by the State Government. In his case he still lived in an old palace built out of his cession monies. In addition he was dissatisfied that despite the large revenue raised from oil produced in the State he received the least political allowance when compared to the Rulers in Malaya.¹² He was so frustrated that towards the late 1940s he spent much of his time in Kuching. The Sultan realised later that the main source of his problems was the treaties between his State and Britain which limited his power. Thus in May 1950 he decided to travel to England to discuss with the British Government matters concerning the future of Brunei and its oil. In a series of letters on 1 June 1950, Sultan Ahmad Tajuddin appointed Gerard MacBryan, whom he became acquainted with during his stay in Kuching, as his personal political adviser and authorised him to hold preliminary talks with the British Government "to obtain my release from the shackles which have so long encumbered the sovereignty and people of Brunei". He told MacBryan:

"...the oilfields of Brunei have been conceded without consideration of myself or my feelings or the interests of my people. But I have been helpless because of the Treaties between myself and Great Britain which have forced me to do

¹²CO 934/1/5921, item 4, Sultan Ahmad Tajuddin to Secretary of State for the Colonies, 11 July 1949. The Sultan's stipend was eventually increased from \$3, 500 per month to \$5,000 and his wife from \$425 to \$500 and his royal daughter from \$100 to \$150. See CO 943/2/59721, High Commissioner to Secretary of States for the Colonies, 17 April 1950.

whatever I was told in all matters. I ask you to seek revision of the agreements, if necessary, to permit of my having some little royalty. ...Supposing His Majesty's Government in the United Kingdom shows unreasonable attitude in these affairs then I ask you to proceed to the United States of America as my chosen and personal and political representative to come to an agreement with Mr. Hoffman, President of the Standard Oil Company regarding the Brunei oilfields so that they may be fully developed and exploited by the United States".¹³

In the same letter he asked MacBryan "to present to the United Nations the injustices that have come to Brunei through the enforced treaties which my predecessors had no alternative but to sign in the face of overwhelming force". But before any negotiations could take place Sultan Ahmad Tajuddin died in Singapore on 4 June 1950.¹⁴

The sudden death of Sultan Ahmad Tajuddin prevented a confrontation between the British and the Sultan over the delicate issues of the revision of Treaties and oil agreements, at least for the moment. However, the need to address the issue

¹³Sultan Ahmad Tajuddin to Gerard MacBryan, 1 June 1950. PS/Sultan Ahmad Tajuddin/1. Documents related to Sultan Ahmad Tajuddin acquired by the Brunei History Centre from the National Archives, USA.

¹⁴CO 943/2/59721, item 16, Commissioner General to Secretary of State, 19 June 1950. Apparently the visit was private and not an official one. Malcolm MacDonald who entertained Sultan Ahmad Tajuddin to a lunch in his official residence at Bukit Serene in Singapore on 30 May recorded in his diary that the Sultan "was on his way to England to pay his respects to the King and thank him for his 'K'. I wonder whether he will ever get there. He looks like a doomed man to me, much thinner, weaker, frailer than at his jubilee [September 1949]. His head seems narrower, his flesh thinner (almost nothing beneath the skin), his eyes with death in them". On 4 June he recorded that the Sultan had died after suffering a haemorrhage the previous night. See: (University of Durham), Malcolm MacDonald's Papers, Mss Diary, pp. 79/8/182-183.

of a Constitution for Brunei became ever more urgent following the demise of the Sultan without a male heir as it raised the question of succession to the Brunei Sultanate.¹⁵ The Brunei Council of Traditional Ministers unanimously proclaimed the Sultan's younger brother, Pengiran Muda Omar Ali Saifuddin, as the successor. The decision of the Council was "strongly supported" by the British Resident and "approved" by the High Commissioner.¹⁶ But it was disputed by MacBryan, who claimed that the late Sultan had left a will "anointing and appointing" his 16 year old royal daughter, Tengku Ehsan, as his successor and heir to the Sultanate of Brunei.¹⁷ She was to be known as the "Puteri Besar of Brunei". MacBryan¹⁸ also claimed that the Sultan had appointed him as the guardian to the Princess and commanded him "to hold that position with full and absolute responsibility until she has been enthroned".¹⁹ In addition he claimed that the late Sultan had entrusted to his care the State regalia a gold serpent-headed cane and seal of the State without which he claimed no one could be enthroned in Brunei.²⁰

MacBryan's claim, however, was rejected by the Bruneis not only because they had not been presented with the supposed will but also because it was against Brunei

¹⁵Sultan Ahmad Tajuddin was only 36 years old when died but known to have been ill for a long time. See Appendix I for a biographical note.

¹⁶CO 943/2/59721, items 9 and 14, High Commissioner to the Secretary of State, 9 June 1950 and 15 June 1950 respectively.

¹⁷Sultan Ahmad Tajuddin had three other daughters from his non royal wives.

¹⁸For a biographical note see Appendix I.

¹⁹The will was in a form of a letter from Sultan Ahmad Tajuddin to MacBryan dated 1 June 1950 which supposed to contain the Sultan's signature and a mark of "Round Yellow Seal of the Sultan of Brunei" at the left top right hand corner. See footnote 13 above.

²⁰CO 943/2/59721, item 10, High Commissioner to British Resident, 10 June 1950.

custom and tradition and the tenet of Islam to have a female ruler on the throne of Brunei.²¹ Furthermore Tengku Ehsan herself had not staked a claim to the throne. In fact the British Resident claimed that the widow of the late Sultan had given him a signed statement rejecting MacBryan as her daughter's guardian.²² The dispute was settled peacefully only due to the unanimous decision taken by the Bruneis; had there been any significant support for Princess Ehsan there would have been a succession crisis which inevitably would have affected the economic and social development. Nevertheless the problem caused some concern in the Colonial Office, which wanted the High Commissioner to supply "definite rules governing the succession".²³ But Brunei had no written laws regarding succession to the Sultanate; the existing laws were based on tradition and custom, which could be influenced by the decision of the nobility in the Sultanate. The only way to avoid a recurrence of the problem was to have a written Constitution regulating the succession.

On the death of Sultan Ahmad Tajuddin, Malcolm MacDonald wrote in his diary: "So passed away the last of the medieval Sultans".²⁴ Perhaps MacDonald was not far from the truth. The new Sultan, Sultan Omar Ali Saifuddin III, as he was

²¹Interview with Pengiran Ali, April 1993. See also CO 943/2/59721, item 9, High Commissioner to Secretary of State, 9 June 1950.

²²CO 943/2/59721, item 16, High Commissioner to Secretary of State, 19 June 1950. Sir Dato John Peel recalls that when he was the British Resident in Brunei (July 1946 to January 1948) Sultan Ahmad Tajuddin had mentioned to him "once or twice" that he wanted his royal daughter, Princess Ehsan, to succeed him and believes that the Sultan had failed to secure agreement from his Traditional Ministers. Interview, 22 July 1995.

²³CO 943/2, Minute by Whiteley, 16 June 1950 and Minute by M.Scott, 16 June 1950.

²⁴Malcolm MacDonald's Papers, Mss Diary, p. 79/8/183.

officially listed in the Brunei Royal Genealogy, was the first member of the Brunei Royal House to obtain a modern education. After completing his studies at the Malay College, Kuala Kangsar in Malaya in 1936 he returned to Brunei where he was briefly attached to the Forest Department as a Cadet Officer before moving to the Legal Department as an Administrative Officer. In 1947 he was installed as the *Pengiran Bendahara* and automatically became a member of the State Council.²⁵ These experiences gave the new Sultan a wide knowledge of administrative and governmental matters which made him more confident in dealing with the affairs of his State than his predecessor. It is likely that as soon as he settled in his position the Sultan began to question the British Resident's power vis-a-vis his own powers and that of the State Council. This probably led J.C.Barcroft, the British Resident, to write a letter to the Sultan in September 1952 with regard to the functions of the State Council:

"I do not think it was intended, however, that the [State] Council should deal with detailed administration although, of course, an appeal from a decision of the administration would lie to Your Highness in Council. ...If it is now considered necessary or desirable to consult Council on details of administration then I think Your Highness must consider dissolving the present State Council and setting up a new body".²⁶

In the same letter Barcroft proposed two separate Councils with nominated members:

"a small Executive Council" which would meet frequently to deal with detailed

²⁵For a biographical note see Appendix I.

²⁶Quoted from R.H.Hickling, *Memorandum Upon Brunei Constitutional History and Practice*, (Typescript), January 1955, p.37. A copy is found in the Kuching Museum Library.

matters of administration, and a larger "State Council" with members meeting only two or three times a year to pass legislation. These proposals no doubt were acceptable to the Sultan because they would increase his role in the administration of the State. However their implementation would only give more weight for an urgent need for consideration of the introduction of a constitution to define the powers and membership of the Councils.

A month after the British Resident wrote to the Sultan the Colonial Office received the following intelligence report:

"There is increasing evidence that a number of school masters and other educated Malays in the State of Brunei are consolidating their opposition to the Sultan. They include Government servants, distant relatives of the royal family, and members of the Persatuan Darah Kerabat Di Raja Melayu of Seria. This group was almost certainly responsible for recent articles in the "Melayu Raya" press criticising the Sultan's ministry"²⁷

In January the following year another report reached the Colonial Office:

"It is reported that the intention of this group is to force the Sultan to abandon his present age-old policy of nepotism in Government appointments and ensure that all Government appointments are reserved to Brunei Malays and are made only on merit".²⁸

It appeared that as education expanded the people became more aware and critical of

²⁷CO 1022/216, item 1, Extract from Sarawak and Brunei Political Intelligence Report for October 1952. There is little information available on the association mentioned in the report, and in fact only a few of the writer's informants know of its existence.

²⁸CO 1022/216, Item 5, Extract from Sarawak and Brunei Political Intelligence Report for January 1953.

what was happening around them. Despite the huge wealth generated from the oil industry which had "recovered remarkably well"²⁹ there was little development in the State and economic and social conditions had not shown much improvement. Jobs were scarce.³⁰ Moreover as there were still no post primary and vocational education in the State many young Bruneis were unable to obtain skilled and better paid jobs both in the public service and oil industry. The situation was worsened by a high cost of living as a result of the post-war effects. An economic survey made by the British Resident's Office for the Colonial Office showed that in 1949 the cost of living in the State of Brunei was "roughly three times higher than it was before the war".³¹ Bad weather caused poor harvest and the collapse of the rubber boom in 1952 caused economic and social hardship among the rural population. The price of rubber tumbled from \$2.00 per pound in January to 74 cents per pound in September 1952. Many peasants left their padi fields and rubber holdings and sought jobs in the towns.³² The economic and social situation during the period caused much discontent among the population.

Many among educated youths felt that the main cause of the problems lay in the political and administrative systems of the State. The State Council which was supposed to make policies not only had no real power other than the British Resident's

²⁹See CO 943/1/59706, Minute by K.P.Ashton, 24 December 1948.

³⁰The annual State revenue recorded in 1950 was 17.3 million Straits dollars of which 13.2 million dollars from the export of oil. See: *Brunei Annual Report*, 1951, p. 6. The writer's informants say that many people went to neighbouring territories looking for jobs during the period.

³¹BA/0074/1983, Economic Survey for the State of Brunei, 19 October 1949.

³²*Brunei Annual Report*, 1952, p.14.

power but also their members were mostly composed of the old Traditional Ministers. In addition Brunei's administrative association with Sarawak had resulted in most of the senior posts in the Government Departments going to non-Bruneis. Towards the end of 1952 dissenting voices began to appear and gather momentum (see below).

It was during this period that Shiekh Azahari bin Sheikh Mahmud returned from Indonesia. The son of a Brunei trader of Arab descent Shiekh Azahari was sent to Bogor, Indonesia, by the Japanese to study veterinary surgery during the Occupation. When the war was over he became involved in the Indonesian war of independence against the Dutch. He claimed to have raised to the rank of captain in the Indonesian National Army and given the responsibility for a district command at Lampong in southern Sumatra. He was later suspected of sympathising with Darul Islam which wanted to establish an Islamic Republic of Indonesia. He decided to return to Brunei when he was dismissed from the army in mid-1950.³³ His application to return to Brunei was received with suspicion by the British authorities in the State. They suspected him of being an Indonesian agent or at least that his mind had been corrupted by Indonesian politics.³⁴ But on an appeal by his father to the Sultan, whom Azahari claimed was a childhood friend, A.M. Azahari - the name by which he was popularly known latter - returned to Brunei in October 1952.³⁵ The return of Azahari changed the political climate of the Brunei. The young people in Brunei looked to him to resolve their problems. Sir Anthony Abell told the Colonial Office that upon

³³Interview with Azahari, February 1993. For a biographical note see Appendix I.

³⁴CO 1022/396, item 1, Nuttall to the Colonial Office, 5 March 1953.

³⁵Interview with Azahari, February 1993.

his return to Brunei Azahari, whom he described as "a well educated fanatical nationalist",

"started almost immediately to stir up trouble preaching an anti-colonial and pro-Indonesian creed. His persuasive tongue and superior education gained him considerable support, particularly among the young rank and file of the Police and the junior grades of the Civil Service".³⁶

Azahari told his audiences that the sources of their problems were: control of power by the British and control of economy by foreigners including the British Malayan Petroleum Company (BMPC). He urged them to fight to end "colonialism" and to secure freedom so that they could control their own destiny.³⁷ Not surprisingly the British authorities were apprehensive and suspicious of Azahari's activities.

Not long after his arrival Azahari called a meeting to promote his idea of forming a Malay trading company to be known as the Brunei Film Production Company or BRUFICO, and started collecting funds. But before it was registered the State Council declared BRUFICO an illegal association. To justify the ban the High Commissioner informed the Colonial Office that

"Azahari was using his influence to undermine the authority of the Sultan whom he described as a stooge of the British. He and followers are said to have found a secret society which demands the taking of an oath on the Koran and enjoins secrecy and loyalty to a movement for "merdeka" (freedom). ...the Resident made enquiries into the activities of the Film Company and found that it was without financial backing or experience and was, in fact, no more

³⁶CO 1022/396, item 8, High Commissioner to Secretary of State, 10 March 1953.

³⁷Interviews with various people in Brunei between January 1992 to May 1993.

than a swindle and a cover for Azahari's other activities and, of course, a means whereby he could collect funds either for himself or for political purposes".³⁸

On 23 January 1953 Azahari organised a protest against the ban in Brunei Town. Banners depicting anti-British slogans and calling for freedom and independence were carried in a procession of about one hundred people from Azahari's father's house to the British Resident's office, a quarter kilometre away. The procession ended peacefully after the British Resident, Barcroft, agreed to meet Azahari and three of his supporters but "not when they were supported by an illegal gathering".³⁹ But to the astonishment of Azahari and his followers, a few days later he and seven others were summoned before the Magistrate - A.T.Shaw, the Assistant British Resident - and sentenced to a year's imprisonment and fined \$500 for organising an unlawful assembly. On an appeal Azahari's sentence was reduced to six months and the others to three months.⁴⁰

A British owned newspaper in Singapore criticised the sentences as "harsh" and commented "Brunei is likely to make headlines again if its courts and its officials do not move a little more with the times".⁴¹ In fact the court decision showed how nervous the British officials and the BMPC were over these developments. Following the BRUFICO incident the BMPC in Brunei informed its headquarters in London of "Communist activities" in the State. The oil company "was very willing to give any

³⁸CO 1022/396, item 8, High Commissioner to Colonial Office, 10 March 1953.

³⁹*Ibid.*

⁴⁰*Ibid.*

⁴¹*The Straits Budget*, 12 March 1953.

assistance they could, either financially or otherwise, regarding the question of increased police protection".⁴² Fearing a Communist uprising in Brunei the British authorities deployed "eighty non-Malay police reinforcements" from North Borneo in the oil town of Seria and Brunei Town on the day Azahari's court appeal was heard.⁴³ The High Commissioner credited the presence of the North Borneo police to averting unrest in Brunei. Although he believed that the situation did not warrant the declaration of a State of Emergency in Brunei he told the Secretary of State that he believed it was important

"to improve the contact between the people and the Sultan and his advisors by broadening the basis of representation in the State Council ...and the urgency of the need to make rapid progress in this matter is fully appreciated both by the Sultan and myself".⁴⁴

As will be seen in the next section, in May 1953 the Sultan announced a proposal for a written Constitution in which he promised to bring about greater participation of his subjects in the administration of his Government. At the same time he launched \$100 million Five-Year Development Plan for Brunei, aimed at "turning Brunei into the most modern welfare State in the region".⁴⁵

⁴²CO 1022/396, item 1, W.L.F.Nuttle to Colonial Office, 5 March 1953 and enclosure: an extract of letter from the Managing Director of the BMPC in Brunei dated 11 February 1953.

⁴³CO 1022/396, item 8, High Commissioner to Secretary of State, 10 March 1953.

⁴⁴*Ibid.*

⁴⁵CO 1022/396, item 9, High Commissioner to Colonial Secretary of State, 13 May 1953.

2.2 The Sultan's Constitutional Proposal

On 12 May 1953 Sultan Omar Ali Saifuddin, announced his Constitutional proposals, which had been approved by the State Council, in the *Lapau* (Court House) in Brunei Town. He said:

"For sometime it has been my intention and desire to grant to my people a written Constitution, by means of which proper provision can be made for the government and well-being of our State of Brunei. It is my wish to set out in this Constitution, firstly, the laws by which the succession to the Sultanate shall be secured, and such other matters relating to the Sovereign and his family as is right and proper; and secondly, the composition, powers and duties of the State Council, together with the rules for the conduct of the State business and for the making of laws".⁴⁶

The Sultan added that the prosperity and progress of the State, the advancement of education and knowledge, together with the experience he had gained in his travels outside the State, persuaded him that reforms were required in the Constitution of the State Council. He wanted to enlarge the members of the Council to include his subjects who were best qualified to advise him for the advancement of the State.⁴⁷ It was also his intention to establish District Councils in each of the four districts in the State. The members of the Councils would be appointed by him from "local persons of proved loyalty, integrity and ability" and the functions of the Councils would be to

⁴⁶CO 1022/396, item 12, "Announcement by Sultan of Brunei", enclosure in High Commissioner to Secretary of State, 13 May 1953.

⁴⁷*Ibid.*

tender advice to him and his State Council in matters of local interest and to assist him in the administration and development of the districts. It was his hope that in due course the people of those areas would assist him to select suitable persons to sit on the Councils. It was also the Sultan's intention the District Councils would select from among their members "persons of such ability and distinction" that he could invite them to sit on the State Council with his traditional advisers and assist him in the government of the State.⁴⁸

2.3 The Constitutional Advisory Committee

Having proclaimed his Constitutional proposals, the Sultan, after discussion with the British Resident, appointed a Committee of seven Malay members, to advise him on how best his proposal could be fulfilled.⁴⁹ Although the State Legal Officer, who was in fact the Deputy Legal Adviser of Sarawak seconded to the Brunei Government, was appointed as the adviser to the Constitutional Advisory Committee he never attended any meetings of the Committee or gave any advice. Pengiran Yusuf (see below) believes that the Sultan, against the advice of the British Resident, wanted to make the ascertaining of the people's opinion was to be a "wholly Brunei affair".⁵⁰ In his report to Allan Lennox-Boyd, the new Secretary of State, on 5 August 1954, Sir Anthony Abell said the Constitution Committee was

"a body which appeared to satisfy public-opinion and certainly represented a

⁴⁸*Ibid.*

⁴⁹CO 1030/133, item 1, High Commissioner to Secretary of States, 5 August 1954.

⁵⁰Interview with Pengiran Yusuf, April 1993.

wide diversity of views ranging from the very advanced opinions of the teaching profession to the strictly orthodox and reactionary convictions of the mosque officials".⁵¹

The members of the Committee were:

Pengiran Maharaja Laila Pengiran Muda Kahar bin Pengiran Pemanca Pengiran Anak Mohd.Yassin, (member of the State Council and the Third Traditional Minister after Pengiran Bendahara and Pengiran Pemanca who was elected as the Chairman);

Pengiran Syahbandar Pengiran Haji Mohd.Salleh bin Pengiran Anak Haji Muhammad (member of the State Council who was also the Chief of *Kathi*);⁵²

Pehin Orang Kaya Di-Gadong Haji Mohd.Yusof bin Pehin Jawatan Dalam Haji Awang Muhammad Hussain, (member of the State Council and a well known local businessman);

Pehin Orang Kaya Syahbandar Haji Ahmad bin Haji Muhammad Daud, (District Officer of Belait);

Pengiran Yusuf bin Pengiran Haji Abd.Rahim, (Malay School teacher from Temburong District who was elected as the Secretary. He was also the former Deputy President of the defunct Barisan Pemuda);

Pegiran Ali bin Pengiran Haji Mohd.Daud, (Malay School teacher from Brunei/Muara District and a leading member of the Brunei Malay Teachers' Association); and

⁵¹CO 1030/133, item 1, High Commissioner to Secretary of State, 5 August 1954.

⁵²A *Kathi* is a Muslim judge.

Awang Abu Bakar bin Jambul, (farmer and mosque *Imam* from Tutong District).⁵³

The first task of the Committee, as instructed by the Sultan in his announcement on 12 May 1953, was to visit all the principal centres of population, to meet and discuss the Constitutional proposals to ensure the support of the people in that important step forward in the political development of the State. The Sultan also instructed the Committee to record in writing the views of the people so that he "could study them in detail".⁵⁴

He further elaborated the duties of the Committee when he met its members on 3 July 1953. Firstly to explain the meaning of the proclamation to the people, secondly to seek on their opinion on the proposal and lastly, to ask them to nominate a person from their area to be a member of the proposed District Council. The Sultan also instructed the Committee to explain to the people that appointments to the State Council would be from members of each District Council, their numbers varying according to the population and size of the area. The Sultan also told the Constitution Committee to explain to the people the proposed Succession Laws "so that they would know that the successor to the throne would be chosen by the people from the sons of the reigning Sultan".⁵⁵

⁵³BA 0753/1983, BRO 302/53, Minutes of meeting of the Constitutional Advisory Committee, 1 July 1953. For biographical notes of the members of the Committee see Appendix I.

⁵⁴CO 1022/396, item 12, Announcement by Sultan...

⁵⁵BA 0753/1983, BRO 303/53, Minutes of Meeting of the Constitutional Committee with the Sultan at the Istana Darul Hana, 3 July 1953.

These were the duties of the Constitutional Advisory Committee as outlined by the Sultan. However, the British Resident - repeating what the High Commissioner "understood to be His Highness's wishes in connection with the duties of ...[the] Committee" - told the Deputy Legal Adviser, that the duties of the Committee were: firstly, "to consult with the people regarding the present system of Headman" and secondly, to "explain the proposal for District Council".⁵⁶ In regard to the system of the village Headman or *Ketua Kampong* the Committee was to consult the people to find out if the existing system was acceptable or if they desired some change. If change was desired the Committee was to find out whether the people wanted *Ketua Kampong* to be elected or whether they preferred a system of one *Ketua* for each village or a Village Committee to manage their affairs, possibly with the Headman as its Chairman. Having recorded the desires and wishes of the majority of people the Committee was to record its own recommendation.⁵⁷

Then the Committee was asked to explain the proposal for the District Councils and in consultation with the people to make recommendations where the Councils should be, by taking into account the number of the population, size of the area and other similar factors. In the composition of the Councils the British Resident suggested that "any person normally resident in the State of Brunei, whatever race or creed, should be eligible to sit on the District Council" and also that "the principal interests in each district for example commerce, agriculture, etc. should ...have

⁵⁶BA 0753/1983, BRO 302/53, British Resident to Deputy Legal Adviser, 23 June 1953.

⁵⁷The existing system of *Penghulu* and *Ketua Kampong* were introduced by the British Resident in 1931 based on the practices in the Malay States in Malaya. Each *Penghulu* and *Ketua Kampong* was appointed by the British Resident and his main duties were to collect taxes and to oversee law and order in his village.

representation on the Council". The British Resident then told the Deputy Legal Adviser:

"The most difficult problem that you will have to solve is how members are to be elected, selected or nominated to the District Councils. We want the people themselves to tell His Highness whom they would like as their representative. How can this best be done? As His Excellency [the High Commissioner] told you we cannot at this juncture employ the ballot system, nor do we particularly wish to do so, but there will have to be some form of election and it is for you to recommend a system most suitable to Brunei".⁵⁸

To assist the Deputy Legal Adviser in his deliberations the British Resident cited the system in force in Sarawak which was based on proportionate representation among the different the races. Finally the British Resident reminded the Deputy Legal Advisor that it was agreed between him and the High Commissioner that "the future composition of the State Council and other matters mentioned in the Sultan's address should stand over to a later date".⁵⁹

Thus from the outset there were some substantive differences between the Sultan and the British authorities on the conception of the proposed new Constitution. These differences became more apparent later in the drafting stages (see section 2.5 below). Meanwhile, the Constitutional Advisory Committee began their duties on 14 July 1953. The Committee visited more than eighty centres of population throughout the State. Pengiran Yusuf, the Chairman of the Committee, recalls that the response

⁵⁸BA 0753/1983, BRO 302/53, British Resident to Deputy Legal Adviser, 23 June 1953.

⁵⁹*Ibid.*

of the people to the Sultan's Constitutional proposal was overwhelming. The people who participated in the discussions were mainly the young educated sections of the society particularly school teachers and they spoke with eloquence on subjects such as democracy, self-government and independence. "Obviously", he says, "they followed up political developments in the neighbouring countries".⁶⁰ By the end of the year the Constitutional Advisory Committee had completed its tour of Brunei. The Sultan was pleased with the work of the Committee and encouraged by the support from the people. In early 1954 the Committee was instructed to visit the various States in the Malay Peninsula, to study their Constitutions and administrative procedure and to submit a report.⁶¹

During the two week-tour of Malaya the Committee visited Johore, Kelantan, Selangor, and Negeri Sembilan and held discussions with the *Menteri Besar*, and senior officials in each State. Their discussions touched on the Federal and State Constitutions; the 1948 Federation of Malaya Agreement; religious affairs; elections to town, village, and state councils; state and district development, and information services.⁶² The Committee also visited government offices and secretariats; state councils; municipal offices; state and district development boards; schools, and other authorities to understand the working of these bodies. Included in their studies were also security and military matters which involved a visit to a home guard training centre, a Malay Regiment depot, and the Federation Military College.⁶³ In short the

⁶⁰Interview with Pengiran Yusuf, April 1993.

⁶¹*Brunei Annual Report.*, 1953, p. 2.

⁶²*The Borneo Bulletin*, 6 February 1954.

⁶³*Ibid.*

Committee's study tour was comprehensive and educational for the members. Pengiran Ali recalls a piece of advice given to the members of the Committee by their brethren in the Malay States: "that in the proposed Constitution Brunei should maintain its features as a Malay, Islamic Sultanate to safeguard it from foreign influence and infiltration".⁶⁴

2.4 The Constitutional Advisory Committee's Report

The Constitutional Advisory Committee submitted its report to the Sultan on 23 March 1954,⁶⁵ stressing that it reflected the wishes, demands and desires of the people.⁶⁶ The Report focused on six main issues. These were: (a) The relations between Brunei and Britain. (b) The Government and matters affecting it. (c) membership and composition of the State and District and Municipal Councils. (d) The Selection process for Village Headmen; (e) the question of succession laws and matters relating to sovereign and his family; (f) and other socio-political issues such as Malay rights, language, army, oil industry, Muslims laws etc. The report began by stressing that "the policy of the Government [of Brunei] should be that of 'Islam Democracy' (sic) and that the Government shall always have a sovereign Sultan, who

⁶⁴Interview with Pengiran Ali, April 1993.

⁶⁵A copy of the original report, courtesy of Dato Haji Marsal bin Maun. The English translation is found in CO 1030/133, item 10, High Commissioner to Secretary of State, 23 March 1955, Annexure I. Information in this section is based on both documents, otherwise stated.

⁶⁶The Committee to the Sultan, 23 March 1954. The letter accompanying the Constitutional Report, in CO 1030/113, item 10, High Commissioner to Secretary of State, 23 March 1955, Annexure 1.

has full authority in the country".⁶⁷ It recommended that all treaties between Britain and Brunei should "be renewed and amended" to achieve the object of the proposed Constitution. It stressed that Brunei being an "Independent Malay State under a Malay Sovereign", should maintain its friendly relations with Britain which had agreed to accord a degree of protection.⁶⁸ The powers vested in the High Commissioner, whose appointment should be confirmed by the Sultan with the advice of the State Council, should be transferred to the Sultan-in-Council, although he should retain the right to advise on matters other than the religion and customs of the Brunei Malay. The British Resident should be known as the "British Adviser" and, in contrast to the 1905/1906 Supplementary Agreement, would be responsible to advise the Sultan in Government and political matters but not interfere with Islam and customs of Brunei Malays. Further it stressed: "the Sultan may listen to his advice which he considers good and beneficial for the progress of the State".⁶⁹ This implied that the Sultan was not obliged to "take and act" upon the British Resident's advice. The candidate for the post of British Adviser had to be approved by the Sultan in Council. He was expected to be a senior officer; conversant in Malay language and understand Malay customs. Another significant change was the proposal that the British Resident's executive powers should be transferred to the *Menteri Besar* (Chief Minister), a position that was to be newly created and adopted from the existing system in the Malay States. The *Menteri Besar* who would hold office for at least five years was to be selected from among senior officers and should be a "pure Brunei Malay"

⁶⁷Part A, Paragraph I.

⁶⁸Part A, Paragraph II.

⁶⁹Part A, Paragraph V (2).

(*Melayu Brunei Jati*)⁷⁰ and a Muslim. The selection of a *Menteri Besar* must have the advice and consent of the *Jamaah Pemangku Negeri* (see below) and the approval of the State Council. There was also a provision for a Deputy *Menteri Besar*. The report also recommended the appointment of *Setiausaha Kerajaan* (State Secretary) responsible for the administration of the State and who would be the highest official in respect of administrative matters. The *Setiausaha Kerajaan* should be selected from the Brunei Government officers and must be also a "pure Brunei Malay" and a Muslim. Assistants *Setiausaha Kerajaan* should also be appointed and should also be "pure Brunei Malays" and Muslims. There should also be two other senior officers: a State Financial Officer, whom had to be a Malay and a Muslim, but not specifically a "pure Brunei Malay"; and a Legal Adviser.⁷¹

The Committee's Report found that the composition of the existing State Council did not give sufficient opportunity for the people to participate in the governing of the country. The report recommended that membership of the Council be expanded to twenty eight from twelve, including fourteen "unofficial" members. The "unofficial" members were to be elected directly by members of the four District Councils themselves. Each District Council would send representatives to the State Council in proportion to the size of its population: one from Temburong, two from Tutong, four from Belait and seven from Brunei/Muara Districts. The new State Council, which would be known as *Majlis Masyuarat Negeri*, would be presided over by the *Menteri Besar*. In addition to its powers to pass legislation the Council should also have the right "to advise and assist the Sultan in governing the State". However,

⁷⁰In contrast to Malays/Muslims assimilated into the society.

⁷¹See Part A, Paragraphs VII - X.

for detailed matters of administration the report recommended the establishment of an Executive Council or *Majlis Masyuarat Kerajaan*, comprising two official and not less than five "unofficial" members appointed by the District and State Councils. In addition, the Executive Council should have the following ex-officio members: the Sultan as the chairman, the British Adviser, the *Menteri Besar*, the State Secretary, the State Financial Officer and the Legal Adviser.

The report supported the Sultan's proposal for establishing a District Council in each of the four districts in Brunei. The proposal was widely supported by the people because they felt their voices and demands could now be heard in the Councils. The report also contained a list of names from each district, which it claimed were representatives elected by the people during the Committee's tour of the State. However, in future the report recommended that two-thirds of members of the District Councils should be elected directly by the people themselves through secret ballot, while the remaining one-third should be appointed by Government. The qualifications for a person to be a member of a District Council were that they should be a Brunei citizen, over twenty-one years old, and understand Malay Language. Regarding the qualifications for the electorate, the report recommended they should be subjects of the Sultan of Brunei or should have lived in Brunei for more than fifteen years before the date of the election and be over 21 years of age. A General Election should be held every three years to elect new members of the District Councils.

The report suggested that the Chairman for each District Council should be elected by and from among the members of the Council. Similar procedures were to be used for the Councils' representatives to the State Council. The main functions of the District Councils, as recommended by the report, should be to discuss matters

relating to the administration, development and public welfare. However, the report also recommended that all new legislation should be discussed in the District Councils before they were considered in the State Council.

In order to accelerate development aimed at improving the livelihood of the people in the State, the report recommended the establishment of two Municipal Councils: one in Brunei Town (for Brunei, Muara, Tutong and Temburong), and one in Kuala Belait (for areas in the Belait districts). Although there were already two Sanitary Boards established under the Sanitary Board Enactment of 1920, the report felt they were inadequate. The Municipal Councils, the report recommended, would be involved in planning and carrying out developments on a larger scale, for the benefit of residents not only in towns but also villages outside the urban areas.

At the bottom of the administrative hierarchy were village Headmen. The report recommended that the existing system of headmen should be reorganised and upgraded. A village headman should be elected every three years by the residents of the respective villages. Every headman should be given an allowance of between twenty and sixty-five dollars depending on the number of inhabitants in his village. All headmen were answerable to a *Penghulu* who would be responsible for overseeing a *Mukim* composing a number of villages. Unlike a village Headman the *Penghulu* should be given a salary like any other Government officer. A *Penghulu* should also be elected every five years. The qualifications for standing for the post of a *Penghulu* were that they should be a Brunei subject; at least twenty-one years of age; be able to read and write Malay; have attained Higher Standard in School; knowledgeable in Islam and Brunei customs; understand agriculture and be conversant with the land laws. At the district level, the report recommended a post of *Dato Penghulu* to be

created for each district. Qualifications for the *Dato Penghulu* were similar to those for a *Penghulu*. Instead of being elected, the *Dato Penghulu* was to be appointed by the District Council and would become an ex-officio member of the Council. His post should be permanent and salaried. He should be given powers similar to those of a Third Class Magistrate.

The report also outlined its recommendations on the questions of succession laws and matters relating to the Sovereign and his families. For nominating the Sultan and the heir apparent, the report recommended the establishment of a council called *Jamaah Pemangku Negeri*.⁷² Its members should consist of: all the Traditional Ministers, all Malay members of the State Council, one *Menteri Darat* from every district and two or three "suitable persons" from the blood royal. The Council would also be given the power to nominate persons to be appointed as "Brunei dignitaries" by the Sultan.

The report stressed that the Sultan and his heir must be Malay of Brunei Royal Blood, a male, and a Muslim. The future successors to the throne of Brunei should be the descendants of Sultan Omar Ali Saifuddin III, the then ruler. If, however, the *Jamaah Pemangku Negeri* found that the rightful heir was not fit to be Sultan, for reasons such as physical handicap or qualities which according to *Shara*⁷³ jeopardise his right to become Sultan, then, the nomination should go to the descendants of Sultan Muhammad Jamal-ul-Alam, on the father's side, then to descendants of Sultan Hashim Jalil-ul-Alam Aqamaddin, also on the father's side. If there was still no rightful nominee to be found, then it would be the responsibility of the *Jamaah*

⁷²Translated as "Supporters of the Country" in the English version of the report.

⁷³Islamic law.

Pemangku Negeri to select a suitable candidate with the consent of the State and District Councils. The late Sultan Ahmad Tajuddin did not leave a male heir that his descendants were left out from the proposed succession laws.⁷⁴

The report also recommended that when a Sultan who was under twenty-one years of age came to the throne, two Regents; or a Council of Regency must be appointed until the Sultan was twenty-one. Regents or a Council of Regents would be appointed and dismissed by *Jamaah Pemangku Negeri* with the consent of the State and District Councils.

Although the report recommended that the Sultan should be given full authority over the country's internal and external affairs, the Sultan and his heirs and relatives should not be given the power to cede the State of Brunei or any part of her dependencies to any authority or Government for whatever reasons or cause. If he did so, the report said, "he was breaching the trust given to him by the people and breaching promises he had given to Allah and, under such circumstances the people were no longer obliged to pay their allegiance to him".⁷⁵ Any agreement made by the Sultan with foreign authorities, or powers, presumably including with Britain, should be agreed by the members of the State and District Councils. The report also stressed that in ruling the country the Sultan should comply with the policy and provisions of the Constitution and the State Laws, which, from time to time, would be enforced. In short, the report recommended that the Sultan should rule according to the Constitution and Laws of the State.

⁷⁴See pages 73-75.

⁷⁵Part B, paragraph IX.

The report also stressed that the interests and rights of the Malays must be protected. Steps should be taken to improve their livelihood by better access to education and assistance in their social and economic pursuits. Fearing that the Malays in Brunei would be swamped by immigrants as in Malaya, the report recommended that migration of foreigners into Brunei should be restricted. Only the following indigenous races, who were residing in Brunei, should be recognised as, and given equal rights to, the Malays: Muruts, Bisayas, Kedayans, Dusuns, Tutongs and Belaits.⁷⁶ The Brunei Malays residing outside Brunei were allowed to return without any restrictions. Foreigners who had resided in Brunei for fifteen years or more were allowed to stay permanently in Brunei.

For the same reasons the report recommended that Brunei should always remain separated from Sarawak and North Borneo. However, if there should be a suggestion of uniting the three territories under a federation, it recommended that Sarawak and North Borneo be restored to Brunei because "historically they were the property of the State and the Sultan of Brunei".⁷⁷ In order that Brunei could stand on its own feet, the report recommended that a national army to be formed as soon as possible. The army should only be composed of Brunei Malays, and it should be known as *Askar Brunei* or Brunei Regiment. In relation to this the report stressed that no foreign military of any description should be asked or allowed to enter or allowed to be posted in Brunei, except when there was reason to believe that their presence was needed in the country and even then only with the consent of the State Council and District Councils.

⁷⁶See Table 3 on page 24.

⁷⁷Part A, paragraph XXI.

The report also recommended Malay as the Official Language and Islam as the Official Religion of the State. Freedom of worship for other religions was allowed. In fact the report also recommended that the people should be afforded with freedom of speech, freedom of expression, freedom of assembly in an organisation, freedom from poverty and fear, and freedom to participate in politics, even if they were Government Servants. Every person residing in Brunei should be entitled to protection by the laws of the State and nobody should be detained or banished unless found guilty of an offence under the law. But the report emphasized that every person residing in Brunei, no matter what nationality and race, he or she must comply with the Laws enforced in Brunei without any exceptions.

The last part of the report contained mainly the grievances of the people: for example on high cost of living, salaries and privileges of Government Servants, conditions of labourers, wages and laws protecting them. The report recommended that a Social Welfare body should be established to investigate the social conditions of the people and set programmes to help the needy. The report also recorded the people's demands for improvement in the infrastructure of the State such as roads, clean water and more facilities for education and training such as secondary schools, agriculture and technical schools.

Regarding the oil industry the report recommended that all agreements entered into with the British Malayan Petroleum Company (BMPC) should be reviewed and renewed. It suggested that the Brunei Government should have equal shares. At the expiry date of an agreement, oil wells should be restored to the Government of Brunei for management. The report was not happy with the policy of the Oil Company to send crude oil to be refined at Lutong in Sarawak. It recommended that a refinery

plant should be built in Brunei. The report urged the Government to form a permanent committee to supervise matters concerning oil production, embarkation and other activities of the oil company. The report also urged the BMPC to train more local persons. The report wanted the excessive flow of unskilled labourers, in reference to the BMPC, from outside Brunei to be stopped because they deprived many local people of jobs.

Finally the report recommended that Muslim laws be enacted and enforced in Brunei. In connection with this an independent Religious Department should be established to settle and adjudicate on matters touching Muslim laws. Further it recommended that an establishment of a *Majlis Tinggi Agama Islam* or a High Muslim Religious Council and a post of *Mufti* to be created. To reflect that Brunei was a Muslim-Malay State the report requested that the Government Offices be closed on Fridays, and instead be opened for a full day, or half day on Sundays.

2.5 Formation of District Advisory Councils

In his report to the Colonial Office on 5 August 1954 Sir Anthony Abell expressed his satisfaction with the Constitutional Advisory Committee's Report. The High Commissioner said it was surprising that the Committee should submit a "unanimous report", but he had "no doubt minor political differences were subordinated to the strongly nationalist views held by all members of the Committee from the Chairman, the Maharaja Laila (the Third Minister) down".⁷⁸ Sir Anthony

⁷⁸CO 1030/113, item 1, High Commissioner to Secretary of State, 5 August 1954.

Abell added that:

"the Committee went outside its terms of reference in reporting, with obvious approval and relish, some of the more vexatious views of those who attended meetings with the Committee in the State. These meetings have, I think, proved a useful safety valve and a valuable indication to the Administration of the feelings of the younger educated element in the State. There is no doubt at all that events in Indonesia and Malaya are watched with the closest attention, and that political progress is a matter of great moment to a rapidly increasing section of the community. As I have previously reported to you, there is some urgency in obtaining a revision of the Treaty with Brunei, and a reconsideration of the position of the Resident vis a vis the Sultan and the State Council. But on the whole the report is moderate in tone and stresses the sincere friendliness and permanence of relationship between the United Kingdom and the State of Brunei".⁷⁹

He advised the Colonial Office that on the subject of constitutional advance the Committee's main recommendations could be accepted in principle by the Sultan in Council. In July 1954 Sir Anthony Abell held a series of meetings with the Sultan, the State Council and the Constitutional Advisory Committee. He said:

"throughout these negotiations His Highness had shown great wisdom and firmness in pursuing a middle course between the reckless ambitions of some of the young educated elements, who are represented by a strong and vocal

⁷⁹*Ibid.*

body of school teachers ...and his own immediate hereditary advisers who naturally prefer the status quo..."⁸⁰

In its meeting on 5 July 1954 the State Council, which the High Commissioner attended, accepted the recommendation of the Constitutional Report for the establishment immediately of four District Advisory Councils at the four main centres of population, i.e Brunei Town, Kuala Belait, Bangar and Tutong Town. However in contrast to the Report's recommendation that two-third of the members of each Council should be elected, the decision endorsed by the State Council was that all appointments to the Councils would be made by "the Sultan after consulting public opinion by traditional methods". It was also decided that no more than half the seats in each Council would be given to the traditional representatives of the Sultan - the Headmen and *Penghulu* - and the remainder to other elements in the community including representatives of the Chinese, Dayaks and the BMPC.⁸¹ As a very large body of educated opinion in the State was represented by the Government Servants, the Sultan agreed to appoint a limited number of them to seats on the District Councils. However this was on the understanding that it was a temporary measure and if there was a conflict of loyalties their duty was "to support the policy of His Highness' Government to the full".⁸²

⁸⁰*Ibid.*

⁸¹*Ibid.*; BA/0343/83, (BRO/462/54), Extract of Minutes of State Council Meeting on 5 July 1954.

⁸²*Ibid.*

Following the decision of the State Council to set up the District Advisory Councils the "progressives in the Constitution Committee with considerable cunning and a sense of timing" announced that they had already held preliminary elections and had ascertained the wishes of the people during their tour of the State, and produced for the Sultan's approval a list of persons for appointment to District Councils in which the teaching profession held a powerful majority in these proposals.⁸³ However the Sultan, supported by Sir Anthony Abell, was firmly of the opinion that there could be no question of holding elections until the educational programme was further advanced and the necessary machinery and safeguards were established by law.⁸⁴ In order that there would not be too much "loss of face" the Sultan promised to give full consideration to the list of candidates produced by the Committee. Sir Anthony Abell warned the Sultan that the agitation for full elections would increase and that "it would be unwise to delay unduly the setting-up of the necessary machinery".

The State Council had also endorsed the Committee's proposal that each District Council would select one to three of its members, depending on the size and importance of the district, to sit as "observers" in the State Council. Thus it was agreed that the Tutong and Temburong Councils should have one "observer" each, the Belait Council, two "observers" and the Brunei/Muara Council, three "observers". The Sultan had undertaken to promote those "observers" to full membership when he was satisfied that the District Councils were well established and working satisfactorily. This would mean an addition of seven members to the Council, increasing its membership from twelve to nineteen. Sir Anthony Abell commented: "There is

⁸³*Ibid.*

⁸⁴*Ibid.*

nothing very spectacular about these first tentative steps but they do represent a considerable readjustment of outlook in the last remaining stronghold of Malay feudalism".⁸⁵

On 27 September 1954 the first District Advisory Council was established in the Brunei Town. In its inaugural meeting the Council elected a chairman and his deputy and three others, as "observers" in the State Council. In the following month similar Councils were established in the other three districts. According to the rules read by the Chairman of the Brunei/Muara District Council on the first meeting of the Council that meetings should be held at least once in three months but not more than once a month. The Chairman should be responsible for the preparation of the minutes of the meetings and the transmission of important matters which were thought fit to be referred to the State Council through the British Resident.⁸⁶

Table 4: Membership of District Advisory Councils

Districts	Penghulu/ Ketua Kampong	Elected by People	Additional Govt. nominees	District Officers	Total	Observers in the State Council
Brunei/Muara	16	14	5	1	36	3
Belait	10	7	6*	1	24	2
Tutong	9	6	3	1	19	1
Temburong	6	0	5	1	12	1
Total	41	27	18	4	90	7

Source: Compiled from British Resident Office's Notification, No.167/1954, 11 September 1954.

Note: 3 Chinese; 3 BMPC's Representatives.

⁸⁵*Ibid.*

⁸⁶BA/0353/1983, Minutes of the Brunei/Muara Advisory District Councils held on 27 September 1954.

On 17 November 1954 the "observers" took their seats in the State Council.⁸⁷

In welcoming them the Sultan hoped that they would gain experience in watching the deliberations of the Council. In outlining the duty of the "observers" John Gilbert, the British Resident, told the new members of the State Council that:

"The duty of the observers is merely to listen and report back to the District Advisory Councils at the next meeting. If any matter arises which is of definite interest to the Advisory Councils, and His Highness wishes to hear the opinion of the various District Councils, after due notice having been given he will call upon the observer to address the Council. If the District Advisory Councils especially wish their observers to address the State Council on any matter, they will inform the British Resident at least 14 days before the State Council meets giving him a brief resume of the speech. The British Resident and His Highness will then decide whether or not to allow the request and the District Council will be so informed".⁸⁸

⁸⁷The following councillors were elected as "observers" in the State Council:

Brunei/Muara District Council

Marsal bin Maun - Superintendent of Malay Education.

Pengiran Ali bin Pengiran Mohd.Daud - School teacher.

Pengiran Abu Bakar bin Pengiran Omar - District Officer.

Belait District

Pengiran Bahar bin Pengiran Syahbandar - District Officer.

Tan Poh Siong - Chinese Community leader.

Tutong District

Abdul Manan bin Mohammad - School teacher.

Temburong District

Pengiran Abu Bakar bin Pengiran Pemanca - District Officer.

⁸⁸BA/0343/83 (BRO/462/54), Extract of Minutes of State Council Meeting on 17 November 1954.

At the end of 1955 the *Brunei Annual Report* observed that the establishment of the District Advisory Councils proved successful. For first time the people from the rural areas had been able to air their complaints and views openly which "generally directed towards the improvements of water supplies, communications and other social services", and thus "kept the Heads of Departments on their toes".⁸⁹

2.6 Drafting the Constitution Enactment

In August 1954, after the successful discussions in Brunei, Sir Anthony Abell informed the Colonial Office that the next step would "not be an unduly difficult one" if the District Councils and the "observers" in the State Council acted wisely and tactfully. It was to prepare for the necessary legislation establishing the District Councils and the reorganised State Council and defining their powers and responsibilities. He also said that they had reached a stage where the Sultan and he were prepared to consider a first draft of a Constitution for Brunei which would embody the reorganised State Council and the District Councils and lay down the succession laws. He had also reached sufficient agreement on the draft of an enactment defining a citizen of Brunei which was a necessary preliminary to the codification of the Constitution.⁹⁰

In early December a conference was held in Kuching to prepare a draft of the proposed Constitution. The meeting was chaired by Cecil Thomas, the Officer

⁸⁹*Brunei Annual Report*, 1955, p. 3.

⁹⁰CO 1030/113, item 1, High Commissioner to Secretary of State, 5 August 1954.

Administering the Government of Sarawak and Acting High Commissioner,⁹¹ and attended by J.H. Ellis, the Secretary to the High Commissioner, George Strickland, Q.C., the Sarawak Legal Adviser, and R.H. Hickling, the Deputy Legal Adviser. Neither the Sultan's representatives nor the members of the Constitution Committee were invited to the conference. Nevertheless the conference used the Committee's Report as the basis for drafting the new Constitution. They, however, found that further research would be necessary to establish clearly the details of the traditions and customs governing the succession and other matters of constitutional importance.⁹² Thus in early November 1954, Hickling was directed to go to Brunei to prepare the legal and other documents required for drafting the new constitution. He held discussions with many people in Brunei, including the Sultan and the *Pengiran Bendahara*.⁹³

On 17 December Thomas, accompanied by Gilbert,⁹⁴ and by Hickling, presented the draft proposals to the Sultan and his two *Wazir*, the *Pengiran Bendahara* and the *Pengiran Pemanca*.⁹⁵ After lengthy discussions Thomas informed the Colonial Office that: "His Highness and the two *Wazir* accepted them [the draft proposals]

⁹¹Sir Anthony Abell was on leave in the United Kingdom.

⁹²CO 1030/133, item 11, High Commissioner to Secretary of State, 23 March 1955.

⁹³Interview with Professor Dr.R.H.Hickling, June 1993. Hickling's findings in Brunei are compiled in R.H.Hickling, *Memorandum Upon Brunei Constitutional History and Practice*, January 1955. (Unpublished). A copy of the typescript is found in the Kuching Museum.

⁹⁴For a biographical note see Appendix I.

⁹⁵Datu Perdana Menteri Ibrahim bin Jahfar, the Sultan's Private Secretary and a member of the State Council, acted as the interpreter.

subject to some small amendments".⁹⁶ However the Sultan said they should explain to the State Council the reasons for not accepting all the recommendations of the Constitutional Committee and also to make clear to the public, when the new Constitution was promulgated, that it was intended only as the first step towards self-government and that it would be appropriately amended from time to time as the people gained further knowledge and experience in government. When he returned to Kuching, Thomas and his advisers drafted the Constitution and the Succession and Regency Enactments and despatched them to the Colonial Office in March 1955 for "advice and guidance". The Sultan had requested a copy of the final draft proposals before they were submitted to the Colonial Office. But Thomas and his advisers considered that, "having obtained the Sultan's agreement to the main provisions of the proposed new Constitution, no useful purpose would be served by discussing with His Highness and the *Wazir* the details of the legal instruments designed to bring it into effect".⁹⁷ However he felt it would be "most impolitic to refuse" and despatched two sets of drafts to the Colonial Office: one set, of which a copy was sent to the Sultan, dealt only with the points which he considered "advisable to disclose to His Highness at this stage of negotiations"⁹⁸ while the other set contained more details of the proposals.⁹⁹

⁹⁶CO 1030/113, item 11, High Commissioner to Secretary of State, 23 March 1955.

⁹⁷*Ibid.*

⁹⁸See CO 1030/113, items 10, (Despatch No.46), High Commissioner to Secretary of State, 23 March 1955.

⁹⁹See CO 1030/113, items 11, (Despatch No.47), High Commissioner to Secretary of State, 23 March 1955.

Thomas recommended in the draft Constitution that the State Council should be split into three separate bodies: Privy Council; Executive Council; and Legislative Council. He informed the Colonial Office that since the admission of the seven "observers" the situation in the State Council had been unsatisfactory. During the meetings, which were open to public, there had been "a growing tendency for the Sultan and the Malay members to play to the gallery". There had also been "repeated attempts ...to take out of the Resident's hands many executive matters upon which prompt decisions are desirable and which he alone decided in the past".¹⁰⁰ Moreover he said, as it was constituted the Council was difficult to summon and when in session was often obstructive. He proposed that the new Constitution should eliminate these objectionable features of the State Council and recommended that the executive and legislative functions should be "entrusted to separate bodies on the prevailing British Colonial pattern".¹⁰¹

Under the arrangement the new Executive Council would exclude those Malay members of the State Council who were "patently unfitted for such responsibilities". However he felt that excluding those persons, who were mainly of royal blood, would cause them and the Sultan's family "a loss of prestige" and he was doubtful if the Sultan would consent to such a move.¹⁰² To avoid the difficulty, Thomas proposed the establishment of a Privy Council. He said:

"To it, I proposed, should be appointed, inter alia, all those persons of birth and rank now serving on the State Council who are not considered suitable for

¹⁰⁰*Ibdi.*

¹⁰¹*Ibid.*

¹⁰²*Ibid.*

appointment either to the Executive Council or the Legislative Council. Their ranks, titles and privileges would remain, their prestige might even be increased, but their political importance would be diminished since the limited functions allotted to the Privy Council, while important, are not such as would enable that body to interfere with or obstruct the transaction of the day-to-day business of the State. In this way the door can be opened to more effective representation upon the new Executive and Legislative Councils".¹⁰³

A Colonial Official commented: "This is an admirable solution of an awkward problem".¹⁰⁴ Moreover the establishment of the Privy Council was compatible with the Constitutional Committee's proposals concerning the *Jamaah Pemangku Negeri*.¹⁰⁵ Its main function was to advise the Sultan on, among other things, the royal succession; the exercise by the Sultan of the prerogative of mercy; the appointment of a Regent; all State ceremonial honours and customs; and remission of sentences on criminals.¹⁰⁶ However the Sultan would not be obliged to accept the advice of the Council. All members of the proposed Privy Council, other than the two ex officio members, the British Resident and the Legal Adviser, would be appointed by the Sultan. However unlike the members of the *Jamaah Pemangku Negeri*, which would include all Malay members of the Executive Council and Legislative Councils, the members of the Privy Council, in view of its "exalted status", would not include

¹⁰³*Ibid.*

¹⁰⁴CO 1030/133, item 14, "Some points of policy and of general importance discussed in despatch No. 47, with some preliminary personal thoughts" by G.C.Whiteley, 14 April 1955.

¹⁰⁵See page 95.

¹⁰⁶CO 1030/116, Despatch 46/1955, Annexure IV.

persons who were members of the Executive or Legislative Council, or a Local Authority to avoid embarrassing "conflicts of interests".¹⁰⁷

The executive functions of the State Council would then be entrusted to an Executive Council or *Majlis Masyuarat Kerajaan* as proposed in the Constitutional Report. Its members would consist of the Sultan as President, the British Resident, the Legal Adviser and the State Treasurer as *ex officio* members, and four other members to be appointed by the Sultan, of whom one would be appointed from the Official and three from the Unofficial members of Legislative Council. The main function of the Executive Council would be to advise the Sultan on the formulation and execution of Government policy, except on matters within the preview of the Privy Council, and questions relating to the Public Service which were not within the competence of the Public Service Commission to resolve. It was also provided that the Sultan could act in opposition to the advice given to him by the Members of the Executive Council, provided that he informed the High Commissioner and recorded his reasons in the Minutes of the meeting.¹⁰⁸

¹⁰⁷CO 1030/113, Despatch 46/1955, Annexure III.

¹⁰⁸*Ibid*

Table 5. Members of State Council December 1954

Sultan (President)
British Resident
Pengiran Bendahara (First Minister)
Pengiran Pemanca (Second Minister)
Pengiran Maharaja Laila (Third Minister)
Pengiran Haji Mohammad Salleh (Chief Kathi)
Pehin Datu Perdana Menteri Haji Ibrahim (Sultan's Private Secretary)
Pengiran kerma Indera
Pehin Orang Kaya di Gadong
George Ah Foott (Chinese Community Leader)
R.E. Hales (BMPC's Managing Director)
E.W. Cousens (State Treasurer)
7 "Observers" (Footnote 87)

Source: Compiled from Minutes of the State Council Meeting, 9 December 1954.

A Legislative Council or *Majlis Masyuarat Negeri* was to be established to carry out the legislative functions of the State Council. It would consist of three ex officio members: the Resident, Legal Adviser and State Treasurer; ten Official members; and sixteen Unofficial members. The Unofficial members, in contrast to the recommendations of the Constitutional Report, were not to be elected directly by the people but to be appointed from Local Authorities. They should also include two

persons appointed by the Sultan to represent important interests not adequately represented by the Unofficial members. The Legislative Council would be given power to debate matters of public interest. However, the Council should not be empowered to proceed without the prior consent of the High Commissioner, upon any Bill or resolution concerning the royal succession and the Regency; citizenship; defence and security; public finance, currency and banking; right and privileges of public servants; the administration of justice; and religion. In addition, the draft proposals considered it essential to vest reserve powers of legislation in the High Commissioner.¹⁰⁹

At the lower level, the Constitutional draft proposals considered it desirable to establish four to six local authorities covering the whole of the State. Thomas told the Colonial Office:

"One of the main obstacles to the early attainment of a sound system of popular government in Brunei is the people's almost complete lack of experience of the art of government. Local government bodies provide the best training ground for representatives of the people and it is an important part of the proposals for a new Constitution that half of the Legislative Council, who will constitute the main body of the Unofficial members, shall be drawn from members of the Local Authorities".¹¹⁰

In order to provide opportunity for the representatives of the people to gain experience in the art of government, Thomas recommended that the new local authorities with

¹⁰⁹*Ibid.*

¹¹⁰CO 1030/113, item 11, High Commissioner to Secretary of State, 23 March 1955.

fairly wide powers should be in operation in advance of the introduction of the new Constitution.¹¹¹

Thomas, in agreement with the Sultan, suggested that all members of the new local authorities should be directly nominated by the Sultan. Earlier the Sultan and Sir Anthony Abell had agreed that the time was not yet opportune for the holding of popular elections for central or local government. On the qualifications for membership of the local authorities the Sultan was only prepared to consider those who were natural-born subjects of the Sultan, i.e. a person born in the State who was also a member of one of the races considered to be indigenous, or, if born outside the State, whose father was at the time of his birth a natural born subject of the Sultan or a British Subject. The proposal to include British protected persons who had acquired that status by reason of their connection with the State was opposed by the Sultan and his advisers. Thomas informed the Colonial Office that since all the members would for some time to come be appointed, and not selected, the matter was not one of immediate importance. Thomas noted that the reason for the Sultan and his advisers decision to exclude the British protected persons was that the Malays of Brunei, in common with their brethren in Malaya, "lived in fear of the eventual political domination of the Chinese".¹¹²

Thomas felt that it was because of this fear that the Sultan, in agreement with the Constitutional Report, wanted to restrict acquisition of Brunei Citizenship by foreigners. Thomas said: "It is known that the Sultan has for some time desired the creation of separate citizenship for Brunei". Although the Order in Council of 1949

¹¹¹*Ibid.*

¹¹²*Ibid.*

permitted the promulgation of a local citizenship law, he was not in favour of it because the creation of a separate citizenship for Brunei would obstruct the closer relationship with neighbouring British territories which was being promoted at that time (see Chapter 4). He suggested that the matter should be allowed to rest for the present, "in the hope that, if necessary, expansion could be secured later".¹¹³

The draft proposals also recommended the setting up of a Public Service Commission to deal with appointments to the public service other than those relating to employment for daily wages. Its membership was to include the British Resident as the Chairman *ex officio*, together with two Official and two Unofficial Members of the Legislative Council, nominated by the Sultan. The Commission would also have power to prescribe examinations and administer discipline in accordance with administrative regulations to be approved by the Sultan in the Executive Council.

In regard to the position of the High Commissioner and the British Resident Thomas said:

"After careful consideration with my advisers I have come to the conclusion that it will be necessary to retain indefinitely the posts of the High Commissioner and the Resident which should not reside in one person. The former should continue to exercise the functions of general guidance and oversight usually entrusted to the Governor of a Colony and the latter to perform the executive functions usually carried out by the Colonial Secretary in a Crown Colony. The rapid growing wealth of the State is leading to its speedy social and economic development and it is more than ever necessary

¹¹³CO 1030/113, item 11, High Commissioner to Secretary of State, 23 March 1955.

that an experienced administrator, who is not burdened with the cares of day-to-day administration should be always available to guide and advise the Sultan and his senior officers in the exercise of their functions under the new Constitution. The High Commissioner's chief tasks will be to educate and persuade; duties which, in Brunei, will require much more time and patience than a senior executive officer, such as the Resident, can afford to give".¹¹⁴

Realising that this proposal was in conflict with the Committee's recommendations, Thomas suggested the appointment of a separate High Commissioner for Brunei who would reside in the State. He believed that such an appointment would not only be well received in Brunei but also be a welcome relief to the Governor of Sarawak. In respect of the British Resident, Thomas acknowledged that while the Sultan was sympathetic to the recommendation of the Constitutional Report proposing the transfer of the executive functions of the Resident to a *Menteri Besar*, the Sultan strongly felt that such a change would be impracticable for a long time to come. However he said it would remain one of the strongest aspirations of the politically minded section of the Malay population in Brunei.¹¹⁵

Thomas told the Colonial Office that the proposed Constitution Enactment and the Regency and Succession Enactment had defined "the respective spheres of the High Commissioner, the Sultan and the Resident with some exactitude" and therefore, he said, it became necessary either to amend the agreements of 1888 and 1905/1906 or to revoke them and make a new one. He thought the latter course would be

¹¹⁴*Ibid.*

¹¹⁵*Ibid.*

preferable because the 1888 Agreement was "inconsistent with current practice".¹¹⁶ Furthermore he believed that a new treaty would be popularly welcomed in Brunei because the requirement in the 1905/1906 agreement, that the Resident's "advice must be asked and taken", was regarded as an affront to the national dignity. He suggested that "in lieu of this requirement it would be suffice if, in the new agreement, the Sultan were to undertake loyally to observe the provisions of the Constitution Enactment in the letter and spirit and to exercise his powers and authorities in accordance therewith".¹¹⁷ For the rest, he said, the new treaty, would contain the usual provisions regarding the conduct of external affairs, defence, etc. The Sultan would require a clear undertaking that Her Majesty's Government would ensure succession to the Sultanate of Brunei in accordance with the provisions of the proposed Succession and Regency Enactment. Thomas suggested that the new treaty should come into force on the date that the Succession and Regency and Constitution Enactment took effect.¹¹⁸

The Colonial Office gave its general approval to the Constitution proposals subject to the retention in the new treaty of a provision on the lines followed in the Agreement with the Malay Rulers, in which the Sultan had to undertake to accept the advice of the High Commissioner in all matters connected with the government of Brunei except those relating to Muslim Religion and Brunei custom. With regard to the posts of the High Commissioner and the British Resident, the Colonial Office agreed to retain them indefinitely. However, it did not agree with the suggestion for

¹¹⁶*Ibid.*

¹¹⁷*Ibid.*

¹¹⁸*Ibid.*

the appointment of a separate High Commissioner for Brunei and Sarawak. It believed that the Governor of Sarawak should still manage Brunei affairs particularly with the development of air communication. In fact this suggestion was supported by Sir Anthony Abell himself.¹¹⁹ On the whole the Secretary of State was satisfied with the progress of the drafting of the Constitution and congratulated the Sultan and his advisers "on the liberal and progressive attitude which the Constitutional proposals indicate".¹²⁰

When Sir Anthony Abell returned from leave in May 1955, the Sultan told him that he did not agree with the Constitution as proposed by Thomas and that he had not been fully consulted nor shown any drafts of the legislation until they had been despatched to the Colonial Office.¹²¹ After studying the proposals in detail the Sultan said he "did not like them and nor did he think that they would be acceptable to the people". Sir Anthony Abell suggested that the Sultan had second thoughts because he was "considerably influenced" by the Constitution of the Malay States of 1948, which the Sultan used as a comparison, and by "the personal views of the two *Wazirs* who, no doubt, regarded their omission from the Executive and Legislative Councils

¹¹⁹CO 1030/113, item 14, Some points of policy and of general importance discussed in despatch No. 47, with some preliminary personal thoughts" by G.C. Whiteley, 14 April 1955. See also his marginal comments in the said document.

¹²⁰ CO 1030/133, item 17, Secretary of State to High Commissioner, 30 May 1955.

¹²¹CO 1030/113, item 23, Sir Anthony Abell to Whiteley, 7 October 1955. See also *ibid.*, item 19, High Commissioner to Secretary of State, 31 May 1955.

as a threat to their influence". The Sultan "proposed substantial amendments to the Draft Constitution".¹²²

In mid-June Sir Anthony Abell visited Brunei to discuss with the Sultan the main amendments to the Constitution Enactment which the latter had put forward. The Sultan was not happy with the reserve powers of the High Commissioner, which he considered as "excessive". He felt they should be transferred to him or omitted from the Constitution.¹²³ The Sultan considered the amendments desirable "...to reflect more accurately and with greater dignity his position as the Constitutional Ruler of a Protected State".¹²⁴ The High Commissioner was forced to make concessions as the Sultan "was in a stubborn and suspicious frame of mind".¹²⁵ He offered to relinquish "virtually all powers excepting only those connected with the finances of the State, public security, defence, external affairs and the conditions of service of certain classes of public servants" and the amendment, repeal or replacement of the Constitution Enactment.¹²⁶ Even on the subject of reserve powers the High Commissioner made a concession whereby they were vested in the Sultan with the proviso that the High Commissioner might exercise such powers in matters which affected responsibility for

¹²²CO 1030/113, item 24, High Commissioner to Secretary of State, 19 October 1955.

¹²³CO 1030/113, item 24, High Commissioner to Secretary of State, 19 October 1955.

¹²⁴CO 1030/113, "Observation of Attorney-General on proposed amendments to the Constitution Enactment", enclosure in item 24, High Commissioner to Secretary of State, 19 October 1955.

¹²⁵CO 1030/113, item 23, Sir Anthony Abell to Whiteley, 7 October 1955.

¹²⁶*Ibid.*

the State as a territory under Her Majesty's protection. Sir Anthony Abell said the concessions "had an excellent psychological effect on the Sultan" and thereafter he had no objection to the general reserve powers being retained in the agreement and has been most reasonable in other respects.¹²⁷ The Sultan was warned by the Attorney-General that the retention of the advice clause in the agreement was "contrary to the recommendation of the Constitutional Committee".¹²⁸

Having secured the Sultan's agreement on the main provisions of the Constitution and a general advice clause in the proposed treaty, Sir Anthony Abell directed the Attorney-General to proceed with amendments to the Constitution and instructed him "to meet so far as possible the other amendments suggested by the Sultan". As a result there was a new provision in the Constitution which enabled the Sultan, if he was satisfied that it was necessary or expedient in the interests of the State, to appoint a *Menteri Besar*, a State Secretary and a State Financial Officer. Apparently the Sultan was anxious to appear to accede to that part of the Constitutional Committee's Report which recommended that the Resident should cease to have executive authority and be replaced by a British Adviser whose position was that of Chief Secretary in a Colonial Administration.¹²⁹

Another major amendment was made with regard to the number of members of the Executive and the Legislative Councils. This was a result of the Sultan's wish that the two *Wazir* should be ex officio members of the Councils. This was seen as

¹²⁷*Ibid.*

¹²⁸CO 1030/113, "Observation of Attorney-General on proposed amendments to the Constitution Enactment", enclosure in item 24, the High Commissioner to Secretary, 19 October 1955.

¹²⁹CO 1030/113, item 24, High Commissioner to Secretary of State, 1955.

an attempt by the Sultan to restore the prestige of the two Ministers. In addition the Sultan also wished to appoint a Religious Adviser to be an ex officio member of both Councils. Consequently, the ex officio members of the Executive and the Legislative Councils were increased from three to six and two to five, respectively. To prevent the Executive Council becoming an official body, the Attorney-General suggested that the Unofficial members be increased from three to six. In the case of the Legislative Council the balance could be rectified by reducing the number of Official members. Therefore the Official members of the latter were reduced from ten to six, and the Unofficial members from sixteen to fourteen. The reason for the latter change was that "the Sultan was apprehensive that it was difficult to find sufficient suitable candidates for appointment as Unofficial members".¹³⁰

In October 1955, a new Constitution Enactment was drafted and sent to the Colonial Office for comment and approval. The High Commissioner told the Colonial Office that he believed the delay and "the more generous Constitution" had paid "dividends" and he believed that the new proposals drafted would be welcome by the people and might even "be acceptable to the influential and nationalist-minded group of teachers and educated artisans who might well have tried to wreck our original proposals".¹³¹ He added: "I doubt if we can do less at the present time in this part of the world if we want to ensure that the constitution works and that the people take an active interest and part in it".¹³² A copy of the revised draft was shown to the Sultan

¹³⁰CO 1030/113, item 24, "Observation by the Attorney-General ...19 October 1955."

¹³¹CO 1030/113, item 23, High Commissioner to Secretary of State, 7 October 1955.

¹³²*Ibid.*

and his advisers and Sir Anthony Abell were confident that the amended Constitution was "preferable [to the Sultan] and likely to be more lasting than that originally submitted to you [Secretary of State]".¹³³ But as will be seen in the next chapter the High Commissioner's optimism was dampened by the emergence of a political party, Partai Rakyat Brunei, which changed the political atmosphere in the State.

¹³³CO 1030/113, item 24, High Commissioner to Secretary of State, 19 October 1955.

CHAPTER 3

THE PARTAI RAKYAT BRUNEI AND THE CONSTITUTIONAL PROPOSAL 1956-1957

The discussions on the constitutional proposals between the Sultan and the High Commissioner continued during 1956 and 1957 but growing opposition to certain aspects of the proposals threatened to disrupt the process. This discontent was manifested in particular in the emergence of the Partai Rakyat Brunei as the voice of the people. This chapter will firstly trace the emergence of the Partai Rakyat Brunei as a political force and then examine its impact on the constitutional process.

3.1 The Formation of the Partai Rakyat Brunei (Brunei People's Party)

The Constitutional discussions between the Sultan and the High Commissioner were held in closed sessions. The people were kept in the dark about their outcome. Throughout the discussions the Sultan was only advised by the two *Wazir, Pengiran Bendahara* and *Pengiran Pemanca*. The Constitutional Advisory Committee became defunct after it submitted its report to the Sultan in March 1954.¹ Hence there was a growing interest in the constitutional proposals as time went by. In March 1955 a report sent to the Colonial Office noted:

"There is a quickening of public interest in Brunei in political matters, especially in constitutional reform and treaty revision, and it is not surprising,

¹Interview with Pengiran Ali and Pengiran Yusuf, April 1993.

therefore, that there has been considerable adverse comment at the delay that has occurred in carrying out the Sultan's publicly made promises. ...It is highly desirable that the work should be completed and the new constitution introduced with the utmost despatch".²

Presumably the report was referring to an attempt by a group of Malay youths in Brunei to form a political party in early January 1955. However, the attempt had not materialised "due to disagreement among the organisers".³ Among the organisers were Azahari and Salleh bin Masri, the leader of the defunct Barisan Pemuda; and two members of the royal family, Pengiran Indra Mahkota and Pengiran Anak Sapiuddin, both of whom were the Sultan's cousins.⁴

Although the attempt to form the political party failed it was a significant development. For the first time in Brunei, and in the British Borneo Territories, interest in a political party was manifested. The mass agitations, such as those the Barisan Pemuda of 1946 - 47 and the BRUFICO affair of 1953, had not led to any significant political changes in the State. The youths realised that the British were very strong and would not hesitate to use force to protect their interests. This was demonstrated during the BRUFICO trial in March 1953, when a squadron of police from North Borneo had been flown in as a precaution against possibility disturbances during the trial. In fact, as seen in the previous chapter, the British authorities and the BMPC's officials in Brunei were anxious of rumours that an uprising to overthrow the

²CO 1030/133, item 11, Acting High Commissioner to Secretary of State, 23 March 1955.

³*The Borneo Bulletin*, 12 and 19 January 1955.

⁴Interview with Salleh bin Masri, March 1957.

Government was planned to coincide with the trial. Although the trial passed without any incident the rumours intensified and the British authorities launched a massive house to house search. Three youths, Mohammad bin Manggol and his brother Garip; and Jais bin Haji Karim, were arrested and jailed for two years for allegedly being members of an underground movement conspiring to overthrow the Government. According to the evidence presented in court the movement planned to attack the Brunei Town police station to seize arms and then capture all Europeans and other prominent local men, take them to the Palace and demand that the Sultan sign a declaration of independence. If the Sultan and the "big" men refused they would all be tried and "punished". In finding the youths guilty of conspiracy charges the Judge told them:

"its is everyone's right to freedom of thought. You are perfectly at liberty to form an opinion that it is desirable to alter the method of government in this State. You may work towards procuring that end but it must be by lawful means".⁵

Taking heed of the Judge's advice, and particularly the British determination to suppress any attempt to end their connection with Brunei the nationalists decided to adopt a constitutional approach to achieve their goals.

The people in Brunei had been exposed to political developments in Malaya and Singapore through several Malay newspapers and periodicals from these territories. Many of the newspapers and periodicals were not only very nationalistic, but also educative in their approach. The news of elections in Singapore in April and

⁵*The Borneo Bulletin*, 7 November 1953. Interviews with Jais bin Haji Karim and Garip bin Manggol, April 1993; and Mohammad bin Manggol, January 1994.

in Malaya in July 1955 inspired nationalists in Brunei.⁶ In August 1955 they decided to send Azahari on a "political study tour" of Malaya and Singapore to find out how Brunei could take advantage of political developments there. They realised that Brunei was too small and weak to demand independence from the British on its own but that it would be advantageous for Brunei to join hands with a much bigger entity such as Malaya.⁷ In Singapore Azahari was instructed to contact Harun Amirulrasyid, who had been in Brunei as the Malay School Superintendent, being seconded from the Malayan Civil Service from 1939 to 1946. Harun was well known in Brunei for his contribution in nurturing nationalist awareness among the Malays and sometimes referred as the source of inspiration for nationalism in North Kalimantan. Harun introduced Azahari to socialist leaders, Ahmad Boestamam, Ishak Haji Mohammad and Dr. Burhanuddin. In fact Azahari claimed that their meeting had inspired them to form a political party which encompassed Malaya, Singapore and the British Borneo territories.⁸ Azahari recognised the plan was a means to fulfil his search for a partner to achieve Brunei's independence. Thus in November when the Partai Rakyat Malaya (PRM) under Ahmad Boestamam and Burhanuddin was formed, Azahari agreed to set up a branch in Brunei (Harun formed another branch in Singapore).⁹

⁶Interviews with Yassin Affandi, December 1992 and June 1993; and Salleh bin Masri, March 1993.

⁷Interview with Yassin Affandi, December 1992 and June 1993.

⁸Interview with Azahari, February 1993. Ahmad Boestamam cited the historical meeting in his book, *Dr. Burhanuddin: Putera Melayu Raya*, Kuala Lumpur, Pustaka Kejora, 1972, pp. 47-53.

⁹*Ibid.*

However Azahari realised that it would take the PRM a long time to win over the confidence of the people as well as the British. He recognised that the United Malay National Organisation (UMNO) in the Federation of Malaya which had been negotiating for independence would be an asset for his political purposes. Thus in December 1955 Azahari proposed to Tunku Abdul Rahman, the Chief Minister of Malaya, that the Borneo territories should be merged with the Federation and that they should form a united front to demand independence for the new federation.¹⁰ Despite enthusiasm for the idea from Tunku Abdul Rahman, as manifested in his speech at the UMNO Annual Meeting in December 1955 in which he suggested that Brunei, Sarawak and North Borneo might consider joining the Federation of Malaya as member states, the idea did not materialise because other UMNO leaders feared that the negotiations on Malayan independence would be adversely affected.¹¹

The long term implication of UMNO's decision to reject Azahari's proposal was that it influenced the latter's future relations with the Malayan leaders and indirectly his decision to reject Tunku Abdul Rahman's Malaysia Plan in the early sixties. However, more immediately Azahari had no alternative but to contend with developing PRM. Thus on his return in January 1956 Azahari proposed the formation of a branch of the PRM in Brunei. A meeting was held on 22 January 1956 at Salleh's house in Kampong Sembiling in Brunei Town to discuss the formation of the party. About one hundred and fifty state-wide representatives invited to the meeting agreed to the formation a branch of the PRM. The new party, which was called the Partai Rakyat Brunei (PRB), adopted the PRM's constitution but with some modifications to suit

¹⁰Interview with Azahari, February 1993; *Utusan Melayu*, 31 December 1955.

¹¹*Straits Times*, 27 December 1955. Interview with Azahari, February 1993.

local needs. Accordingly the objectives of the PRB were: to oppose all forms of Colonialism in the political, economic and social spheres; to fight for the freedom of all Malay nations in the Malay Archipelago by constitutional means; to safeguard the position of His Highness the Sultan of Brunei and his heirs as the constitutional head of State; and to bring about a democratic, sovereign and independent Malay state and to safeguard the security and prosperity of all the people.¹² The PRB manifesto sought to demand the introduction of representative government in Brunei. The manifesto stressed that the Party believed in democratic rights such as free elections, freedom of expression, and freedom of assembly. In the economic field the party hoped to encourage and lead the people in commerce, agriculture and other activities. In the social field the party urged the creation of social laws to protect workers, peasants and others, especially in respect of wages, working hours, housing benefits, health benefits, children education, insurance for accident and old age etc. Finally the Party planned to work with political movements throughout the Malay Archipelago which had similar objectives: to form a strong national front to fight for independence and to bring about the formation of one Malay Nation and State, "Melayu Raya", covering the whole of the Malay archipelago.¹³

The constitution and the manifesto of the Party was adopted by the delegates.

In order to reassure the British, Azahari declared:

"Even though we intend to fight for freedom from British rule, we do not wish to hate the British, in fact we will respect and love them as our teachers. If

¹²For full text of the PRB's constitution and Manifesto see Haji Zaini Haji Ahmad, *Partai Rakyat Brunei (The People's Party of Brunei): Selected Documents*, Petaling Jaya, INSAN, 1987, pp.85-94; and *The Borneo Bulletin*, 28 January 1956.

¹³*Ibid.*, pp.96 - 98.

the English Government is willing without delay to recognise our rights it is certain that we will give them even more respect, we will recognise and acknowledge the rights and needs of the British themselves".¹⁴

A steering committee was formed to obtain registration of the Party. The committee consisted of Azahari as President and Salleh bin Masri as Deputy; Yassin Affandi and Hidup bin Awang Besar as Secretaries; Othman bin Sungguh and Mudim Haji Ismail as Treasurers; and Khatib Moxsin bin Othman, Buntar bin Salleh and Abdullah bin Jaafar as General assistants. Seven others were also elected as representatives of different areas in the State.¹⁵

At the end of January the PRB submitted an application to the Government to register the new Party. On the same day, the Party received a reply from the Registrar of Societies, who was also the Chief Police Officer, ordering the sponsors to dissociate themselves from PRM and suspending all its political activities until written approval was given.¹⁶ The interim committee of the Party met and agreed to dissociate itself from the PRM and to rewrite its constitution. The Party dropped its objective of fighting for freedom of all nations in the region and proposed instead that the Party be allowed to operate in Sarawak and North Borneo with the ultimate aim of bringing about a union of the three Borneo territories. To make it a pan Bornean political party the Committee also suggested that the Party should adopt a new name i.e. the Partai

¹⁴*The Borneo Bulletin*, 28 January 1956.

¹⁵*Ibid.* Interestingly, almost all persons elected to the interim committee were members and leaders of the defunct Barisan Pemuda, including Salleh its former President.

¹⁶Interview with Yassin Affandi, December 1992 and June 1993; Haji Zaini Bin Haji Ahmad, *Pertumbuhan Nasionalisme di Brunei (1939 - 1962)*, Kuala Lumpur, ZR Publications, 1989, p.55.

Rakyat Kalimantan Utara or the People's Party of North Kalimantan.¹⁷ Azahari and Yassin discussed the proposal with Sir Anthony Abell and John Gilbert in early March 1956. Both the High Commissioner and the British Resident concurred with the proposal. Sir Anthony Abell, who was also the Governor of Sarawak, did not object to the PRB's plan to open branches in Sarawak as long as its objectives were not against the policies of the Sarawak Government. He advised the party to submit its application to the government of the State. However in respect of North Borneo, Sir Anthony Abell advised Azahari to approach the government of North Borneo stressing it was not within his power to decide if the Party could operate there.¹⁸ The concurrence of the High Commissioner was not part of a compromise in return for Azahari's Party agreeing to break its connection with the PRM. In effect it compromised with a proposal, which was being promoted by the British Commissioner General in Southeast Asia, Malcom MacDonald, to bring about a political association of the North Borneo, Sarawak and Brunei (this will be discussed in the next chapter). The PRB redrafted its constitution and resubmitted its application. However the pan-Borneo objective of the Party was rebuffed by the Sultan's proclamation on 8 March, in which the Sultan stressed that neither he nor his Government had ever contemplated, or wished, to unite or federate the State of Brunei with any other State. In addition, he said he was "confident that the interests of his people and the future

¹⁷Interview with Yassin Affandi, December 1992 and June 1993. Kalimantan is the name use by Indonesian to refer to Borneo.

¹⁸*Ibid.*

of the State will best be served by the maintenance of the traditional form of the Brunei Sultanate, adapted to meet the needs and concepts of the day".¹⁹

The proclamation was reported to be a response to his name being implicated in the formation of a branch of the PRM in Brunei. However it was also possible that the Sultan was suspicious of the High Commissioner's decision to allow the PRB to set up branches in the North Borneo and Sarawak as a stealthy British design to merge his Sultanate with the two Colonies. The Sultan and his advisers would not countenance such plan which not only downgraded his Sultanate to the status of a Colony but also raised the possibility of the rich Sultanate being swamped by the two bigger neighbours. In June the Sultan minuted:

"3. If the aims and objectives of the Party [PRB] were not in conflict with the laws of the Governments of Brunei and Britain, ...they would not disrupt the working of the government and administration of Brunei and if they did not conflict with the Treaties between Brunei and Britain ...I have no objection for the registration of the Party in Brunei with one condition, that is, the Party must be for the State of Brunei only and it must not have power to conduct its political activities in the States of Sabah and Sarawak.

4. If the Party was allowed to conduct ...its ...political activities in those two States, there is no reason why it would not be allowed to ally itself or merge with parties in Singapore and the Federation of Malaya to be a Brunei branch of Partai Rakyat Malaya?

¹⁹*The Borneo Bulletin*, 10 March 1956; *Pelita Brunei*, 16 March 1956.

5. I should like an explanation from the B.R. [British Resident] to the matters in paragraphs 3 and 4 above in the first place..."²⁰

Consequently, Gilbert summoned Azahari and told him that the Government would register his Party if its constitution was amended to confine its activities to Brunei. At first the Party organisers appeared determined to engage in political activities throughout British Borneo²¹ but when the Government refused to consider its registration unless they amended the constitution the organisers decided to shelve the Party's pan-Bornean objectives. However the unification of North Borneo, Sarawak and Brunei remained as a future objective of the PRB.²² Finally on 15 August 1956, the sponsors of the PRB were informed by the Registrar of Societies that the PRB had been registered as a political party. The initial members of the Executive Council of the Party were:

Azahari - President;

Salleh bin Masri - Deputy President;

Yassin Affandi - Secretary General;

Hidup bin Awang Besar - Deputy Secretary General;

Hapidz Laksamana - Treasurer;

Othman bin Latif - Head of Information Section;

Zaini bin Haji Ahmad - Head of Organisation Section;

²⁰BA/1612/1983,(BRO/829/56), The Sultan's Minute to his Private Secretary accompanying the British Resident papers regarding the Partai Rakyat Brunei dated 9 June 1956. The translation is mine.

²¹See *The Borneo Bulletin*, 7 and 14 July, 4 and 11 August 1956.

²²Interviews with Yassin Affandi, December 1992 and June 1993 and Azahari, February 1993.

Jais bin Haji Karim - Head of Financial Section;

Abdul Kadir bin Abdul Razak - General Assistant I; and

Abdullah bin Jahfar - General Assistant II;

The members of the Executive Council and more than twenty other heads of branches and sub-branches of the Party formed the members of the Central Committee.²³ (Their appointments were reconfirmed by the Party Congress held in March 1957). The British retracted their concurrence to the pan-Bornean plan of the PRB in order not to jeopardise their plan for the "closer association" of the Borneo territories.

The Brunei Government's decision to register the PRB as a political party was hailed by *The Borneo Bulletin* as "very wise" because it felt the Party would fill a political vacuum in the State, which might otherwise be filled by less desirable underground organisations.²⁴ In fact the assessment was not without substance. From its formation in the beginning of the year up to its registration in August the Party organisers claimed that nearly ten thousand would-be members were awaiting admission throughout Brunei.²⁵ Although there was an element of exaggeration, a relatively large number of people in the State had come under the PRB's influence. In a State where the population was no more than eighty thousand, the number of people claimed by the PRB as their members comprised more than two thirds of the adult male population. The influence of the PRB permeated deep into the Malay Muslim community; from the towns to the rural areas. The organisers also claimed

²³Haji Zaini Haji Ahmad, *op.cit.*, pp. 57-58.

²⁴*The Borneo Bulletin*, 25 August 1956.

²⁵*The Borneo Bulletin*, 4 August 1956.

that a large number of Malays in the neighbouring territories were keen to join the Party.²⁶

Alarmed by PRB's popularity the Government issued a ruling, in February 1956 (and repeated in October 1956), prohibiting Government officers from being involved in any political organisation.²⁷ In November the Sultan warned all those holding traditional offices including the *Wazir*, *Ceteria*, and *Menteri* not to be involved in any political organisation or political activities and threatened to withdraw the titles and emoluments of those who disobeyed.²⁸ It was due to these prohibitions that membership of the PRB was confined mainly to workers in the Oil Company and in the Government's Public Works Department where the two large concentrations of labour were found; and to farmers and fishermen. The farmers were mainly the Kedayans inhabiting the areas on the outskirts of Brunei Town and in Temburung District, whereas the fishermen were the Brunei Malays in *Kampong Air* (Water Village) and along the Brunei River. This section of the population was living in deprivation because wages, especially in the public sector, were insufficient to meet the high cost of living. The farmers also suffered as a result of the drop in the rubber prices since the end of 1952. These people received no benefits in terms of housing, medical services, or insurance for sickness, accident and old age. Although the Oil Company had better wages and benefits for its employees, dissatisfaction among its local employees arose as a result of competition from foreign employees, who had

²⁶Interview with Yassin Affandi, December 1992 and June 1993; Othman bin Latif, December 1992.

²⁷BA/0410/83,BRO/4/56, Part II, BRO. Circular No. 10/1956, dated 23 February 1956 and Circular No.54/1956, dated 29 October 1956.

²⁸*Pelita Brunei*, 1 November 1956.

better qualifications and experience, and deprived the local people of better jobs and wages. The aims and objectives of the PRB, which contained promises to alleviate the economic and social deprivation, appealed to these people. Slogans calling for an end to colonialism, freedom and independence, although vague to most people, represented a better life if the Bruneis were in control of their own destiny. But it was Azahari's personality and his gifted oratory skills which made the message of the PRB persuasive and effective.

The Government ruling, prohibiting Government Officers from taking active part in any political organisation, had denied the PRB the resourceful and educated leaders since most of them were recruited into the Government Service. The result of this policy was that the leadership of the PRB fell into the hands of less educated people. Sir Anthony Abell at one point referred to the leaders of the PRB as "first-rate thugs".²⁹ Azahari himself later admitted that he had a difficult time controlling some leaders of his party.³⁰ In September 1956 the Party issued a circular in an attempt to control "unruly elements" in the Party and threatened them with expulsion for misbehaviour.³¹ It was unfortunate that the PRB was denied educated and more responsible leadership, because it affected the future development of the Party.

²⁹CO 1030/464, item 1, High Commissioner to the Colonial Office, 25 November 1956.

³⁰Interview with Azahari, February 1993.

³¹*The Borneo Bulletin*, 1 September 1956.

3.2 The Local Government Proposal

While the draft of the Constitution Enactment was being considered in the Colonial Office preparations for establishing local governments were made in Brunei. At the end of 1954 the Sultan and Cecil Thomas agreed to establish local government bodies in Brunei prior to the introduction of the Constitution. The main objective of the local government bodies was to provide training for representatives of the people in the proposed Legislative Council in the art of government. It was for this purpose that the Acting High Commissioner recommended to the Secretary of State that new local authorities should be given fairly wide powers and should be set up in advance of the introduction of the new Constitution.³²

In early December 1955 the Sultan in Council appointed five of its members to be a Sub Committee (Select Committee) to consider the provisions of the Local Councils Bill and to make recommendations. The Committee consisted the following persons:

Pengiran Pemanca (the Second Minister);

Pengiran Maharaja Laila (the Third Minister);

Pehin Dato Perdana Menteri Haji Ibrahim (the Sultan's Private Secretary, who was appointed as the Chairman);

R.E.Hales (the Managing Director of BMPC);

G.V.C.Young (the Deputy Legal Adviser of Sarawak Government, who was

³²See pages 112-113.

seconded to Brunei, as the Adviser).³³

In its report, which was submitted to the State Council at the end of January 1956, the Committee recommended that the State be divided into six Local Areas and six Local Councils: two Urban District Councils in the two main towns i.e. Brunei Town and Kuala Belait and four Rural District Councils, one in each of the four districts of the State. The Committee also recommended that the new Bill should come into operation on 1 July 1956.³⁴

In outlining its proposal for the formation of the local authorities, the Sub Committee suggested that in the initial stages the local authorities would have to be run by the District Office Staff because of the inadequacy of staff especially in the rural areas. Anticipating opposition from the people because of taxes to be imposed the Committee suggested that the Government should be prepared to finance the local authorities to a considerable extent. On the initial activities of the local authorities, the Committee suggested that they should concentrate on social welfare and construction work rather than education which was "far too great a responsibility". However, the Local Authorities could work in conjunction with the Education Department by means of school (education) Committees. The Committee recommended that advance publicity and propaganda should be given as soon as possible to enable the plan to be accepted.³⁵

³³BA/1249/1983 (BRO/39/1955), "Minutes of the State Council Meeting on 6 December 1955)".

³⁴BA/1591/1983 (BRO/982/55), "Report of the Sub Committee on the Local Councils Bill", n.d. (probably at the end of January 1956).

³⁵*Ibid.*

On 9 February 1956 the Sultan in Council approved the recommendations of the Select Committee; but left open the date for the implementation of the plan.³⁶ Meanwhile preparations for the implementation of the Enactment had begun. Two officers were engaged for the purpose; Patrick McAfee and Sunny bin Ahmat, both were Labuan-born administrative officers.³⁷ In June D.L.Bruen, the Assistant British Resident, accompanied by the two officers, toured the State to explain to the people how the local authorities would function and to gauge their views on the adoption of such a system in Brunei.³⁸ The month-long tour had disappointing results. In his report Bruen noted that the meetings he held throughout the State were well attended, but the plan was overwhelmingly rejected by the people. He found that the whole matter had been discussed in detail by many of the people present. He blamed the influence of the Malay school teachers for the deep seated aversion to the proposals.³⁹

Following the Assistant Resident's tour a group of *Penghulus* and *Ketuas* (Chiefs and Headmen) approached the *Pengiran Pemanca* (the Second Minister) and urged him not to implement the plan. When the Minister could not offer any guarantees the community leaders wrote a petition to the Sultan requesting the plan be withdrawn stressing that it would become a burden to the people and was against

³⁶BA/1612/1983, (BRO/39/56), "Minutes of the State Council Meeting on 9 February 1956".

³⁷CO 1030/464, item 1, High Commissioner to Colonial Office, 25 November 1956. McAfee had been sent to the United Kingdom to study matters relating to local government bodies. For a biographical note see Appendix I.

³⁸*Pelita Brunei*, 16 June 1956; *The Borneo Bulletin*, 30 June 1956.

³⁹BA/1591/1983 (BRO/982/55), "Report on Attempt to Introduce Local Government in Brunei", n.d. (presumably towards the end of July 1956).

the teaching of the *Hadith* and the *Koran*.⁴⁰ On 14 July the Sultan summoned the *Penghulus* and *Ketuas* to his palace to discuss their petition.⁴¹ The Chiefs and Headmen told their ruler that they were concerned about the definition of "Rateable property" in the Enactment, which provided the possibility for private property owned by the people to be taxed, and gave the impression that there would be no limit to taxation. To support their opposition to the definition of "Rateable property" they quoted an article in a Malayan newspaper in which a Malay peasant in Kelantan had his property auctioned by the Local Council in order to recover taxes which were overdue. They added that they would not like to see such misfortune befall on them. The Sultan explained the difficulty involved in defining in the legislation what particular property was to be taxed and what was not. However, the Sultan assured them that since each Council would consist of Councillors of their choice, no matter how wide the definition of "Rateable Property" was, no one could be compelled to pay tax on any property owned by him if the Council did not resolve to tax the property.

The *Penghulus* and *Ketuas* were also not happy with the qualifications for appointment as Councillors, which allowed non-Bruneis to be appointed. They feared that the chances of the local people securing such appointments would be slim in the face of better educated and experienced non-Bruneis. The Sultan assured them that the powers vested in him by the Enactment to appoint Councillors would give the natural-born subjects preference. Although they expressed their confidence in the

⁴⁰BA/1591/1983 (BRO/982/55), "A petition from the Penghulu and Ketua Kampong to the Sultan", 1 July 1956.

⁴¹Interview with Pehin Khatib Haji Moxsin bin Pehin Khatib Othman, May 1993. Pehin Khatib Moxsin, aged 98 years, was the *Penghulu* of Kampong Burong Pingai Ayer.

Sultan, they pointed out that British subjects from other countries increasingly filled the appointments once held by Brunei-born subjects. This was facilitated by raising the minimum scholastic qualifications required for such appointments. The Sultan explained to them that the Local Government was being established with the sole purpose of training and guiding Brunei born-subjects to govern themselves in order to achieve the dream which they had longed for i.e. self-government. However, despite the Sultan's assurances, the *Penghulus* and *Ketuas* contended that it was not yet time for them to take part in governing themselves as they lacked education or experience, adding that they would only consider the offer of governing themselves when the population was sufficiently educated and experienced. They also pointed out that Brunei was not only a wealthy state but also a Welfare State and as such they would not welcome the introduction of taxes when they ought to receive more financial aid from the Government instead; and hence they would very much prefer the existing system of government. Finally, they urged the Government to introduce the proposed constitution before establishing Local Councils.⁴²

The Assistant British Resident summed up the main causes for opposition to the local governments plans were the fear of tax and the fear of the non-Bruneis predominating in key areas of local government because the Bruneis themselves had not sufficient education and experience.⁴³ The latter point was highlighted by the appointment of two non-Bruneians: Patrick McAffee and Sunny bin Ahmat to take

⁴²BA/1591/1983 (BRO 982/55), "Points raised by the *Pehins* and *Ketuas* against the establishment of Local Government in the State of Brunei at their meeting with His Highness the Sultan on 14th July 1956".

⁴³BA/1591/1983 (BRO/982/55), "Report on Attempt to Introduce Local Government", by B.L.Bruen. n.d. (presumably submitted towards the end of July 1956).

charge of the local government plans. Sir Anthony Abell told the Colonial Office that "the Palace clique and hereditary Ministers opposed the plans because they would not be dictated to by commoners; and the commoners saw the local government plans as symptoms of colonialism".⁴⁴

However the scale of opposition to the plan, which was formidable and permeated a cross section of the society, pointed to the real concerns of the people in the State. The fact that the teachers and other Government servants were very strongly against the local government plan was because many of them were members of the District Advisory Councils and exercised considerable influence on those Councils and were afraid that under the proposed changes they would lose some of their influence, particularly when the newly formed Partai Rakyat Brunei (PRB) was gaining popularity among the masses. The *Penghulus* and *Ketuas* too shared similar concerns.⁴⁵

There was also suspicion that the opposition to the plan was due to a concerted campaign by the PRB which dismissed the local government bodies manned by nominated members as "useless". Azahari said the people turned down the Sultan's plan because all the members of the local authorities would have been nominated by the Government and would not be elected representatives of the people. He felt that the plan would have been readily accepted if the people had been allowed to have their own elected representatives in the local bodies.⁴⁶ But more importantly, under

⁴⁴CO 1030/114, item 50, the High Commissioner to Colonial Office, 27 August 1956.

⁴⁵In retrospect the *Penghulu* and *Ketua* occupied about half of the total seats in each of the four District Advisory Councils in the State.

⁴⁶*The Borneo Bulletin*, 20 October 1956.

the scheme his Party would have no power and influence; there would be little chance of its members being appointed by the Sultan to the local bodies. Hence they resisted the introduction of the Local Government plans. Above all, the people were not originally consulted and had no say in the drawing up of the Enactment.

In October 1956 the Brunei/Muara District Council criticised the way the Government was handling the local government plans. One of its "observers" to the State Council said the Local Council Bill was passed without being debated. He also blamed members of the State Councils, who concurred with most of the Bills laid before them. The Brunei/Muara District Council adopted a resolution stating that the Local Council Enactment should be scrutinised by the Council before it was passed by the State Council.⁴⁷

In October 1956 following the widespread opposition to the local government plan, the Government decided to postpone the implementation of the Local Councils Enactment until such time as the people of Brunei were ready to accept it.⁴⁸ Sir Anthony Abell told the Colonial Office that the Sultan was "angry" and referred to the rejection as a "rebellion" against his authority.⁴⁹ The implication of the rejection of the Local Councils Enactment was that the Constitutional proposals could not be implemented because the proposals were based on the Enactment. Unless an alternative to the proposals could be found the implementation of the Constitution had to be delayed.

⁴⁷BA/1665/1983 (BRO/139/56), Minutes of the Brunei/Muara District Council Meeting on 15 October 1956.

⁴⁸BA/1591/1983 (BRO/982/55), the Government's Press Release, (October 1956). See also *The Borneo Bulletin*, 13 October 1956 and *Pelita Brunei*, 16 October 1956.

⁴⁹CO 1030/114, High Commissioner to Colonial Office, 27 August 1956.

3.3 The Colonial Office and the High Commissioner: the Constitutional Draft Enactment and the Draft Agreement 1956

The amended draft Constitution Enactment sent by the High Commissioner to the Colonial Office in October 1955⁵⁰ was examined in early 1956. The Colonial Office was not happy with two main provisions in the amended Enactment: the provision empowering the Sultan to appoint a *Menteri Besar* in place of the British Resident when he considered the time was ripe for such an appointment, and the provision allowing for the reserve powers to be exercised independently by the Sultan and the High Commissioner. The Colonial Office argued that the provision for the appointment of a *Menteri Besar* and the abolition of the office of British Resident need not be included in the Enactment because the circumstances in Brunei at that stage were not appropriate for such "a momentous change". Instead it suggested that the provision should be incorporated in a separate gentlemen's agreement between the Sultan and the High Commissioner; or in exchange of notes expressing an understanding that the question could be raised either by the Sultan or by the High Commissioner at any time, and that if agreement were reached the constitution should be amended accordingly. Otherwise a provision for the concurrence of the High Commissioner in this change should be included in the Enactment as a safeguard against pressure for its early implementation. The Colonial Office did not regard as sufficient the writing of a clause in the proposed treaty, as had previously been agreed between the Sultan and the High Commissioner.⁵¹

⁵⁰See pages 120.

⁵¹CO 1030/113, item 28, Colonial Office to High Commissioner, 8 March 1956.

The Colonial Office also felt that the provision which gave both the Sultan and the High Commissioner the same reserve powers in respect of certain Bills in the Legislative Council needed some safeguards. It observed that there was a possibility that both the Sultan and the High Commissioner might decide to exercise their reserve powers independent of one another and suggested a provision in the Enactment that the Sultan should not use his reserve powers if the High Commissioner decided to use his. This would give to the High Commissioner power to exercise his own reserve powers at his discretion. As a further safeguard they also suggested that the advice clause in the treaty or agreement should be worded "to enable the High Commissioner to advise the Sultan on the exercise of his reserve powers".⁵²

Sir Anthony Abell advised the Colonial Office that the Sultan "felt very strong" about the appointment of a *Menteri Besar*: the Sultan told him that his subjects would not regard the new Constitution as any advance towards *Merdeka* (independence) if no provision was made for the replacement of the British Resident as the chief executive officer by a Malay. Furthermore, the Sultan felt - and Sir Anthony Abell supported him - that there might be less pressure on him to create the post of *Menteri Besar* if it could be done at will at any time. Therefore Sir Anthony Abell felt that the clause on the appointment of a *Menteri Besar* should be left as drafted in the Enactment. This was due to the political situation in the State. Sir Anthony Abell told the Colonial Office:

"I must, however, honestly say that I do not believe it is possible for us to put off this step for more than a few years. If we are to retain the goodwill and active co-operation of His Highness and his people in the administration of

⁵²*Ibid.*

Brunei it would be wise to accept the position ungrudgingly and promptly when the time comes".⁵³

He said that the Malays in Brunei and Sarawak were "under a great deal of pressure from their collateral in Indonesia and Malaya to take the first steps towards respectability", and that they (the British) could not expect things to go at a slower pace than in Malaya and Singapore. Sir Anthony Abell warned the Colonial Office that Brunei would not be as easy to keep within the "fold" as North Borneo and Sarawak unless they (the British) were prepared to move a good deal faster than they liked or was desirable. However he told the Colonial Office that he did not believe there was at that time much danger of the Sultan creating the post of the *Menteri Besar* in spite of the pressure because he thought the example of Malaya would persuade the Sultan to postpone a step which might affect his position.⁵⁴

On the reserve powers, both Sir Anthony Abell and the Sultan reached an agreement which retained the wording in the Constitution Enactment; but a clause was to be included in the Agreement whereby the Sultan would undertake to accept the advice of the High Commissioner on all matters connected with the exercise of the reserve powers. An Agreement between the Sultan and the British Government was drafted and sent to the Colonial Office for comments and approval. The Sultan agreed to give power to the British Government to legislate for the defence of his State. The Sultan had also indicated that he would accept a general advice clause, i.e. advice on all matters other than on Islam and Brunei custom, in the Agreement; but the High Commissioner very much doubted if the people would accept it. He said: "They will

⁵³CO 1030/114, item 36, High Commissioner to A.M.MacKintosh, 16 April 1956.

⁵⁴*Ibid.*

blame him [the Sultan] for accepting such a provision and I think you will agree that we should do everything we can to preserve his position and status".⁵⁵

In summer the High Commissioner held discussions with the Colonial Office, including a brief meeting with the Secretary of State regarding the Brunei Constitution. A general agreement was reached that the provisions for the appointment of a *Menteri Besar* and the replacement of the office of the British Resident with the British Adviser was to be retained in the Enactment. However safeguards were to be inserted in the Enactment to ensure that its implementation would be subject to the concurrence of the High Commissioner; and in the treaty, provisions for acceptance of the High Commissioner's advice on all matters relating to the implementation of the Constitution Enactment. Further there was to be a provision for an exchange of letters between the Sultan and the High Commissioner in respect of the appointment of a *Menteri Besar*.⁵⁶

Sir Anthony Abell was to examine the proposed Constitution Enactment and to discuss the general agreement reached in the Colonial Office, on his return to Brunei. But by the time he returned there was already strong opposition from the people on the plan to implement the Local Government Ordinance. The discussion on Constitutional proposal could not proceed because the new Constitution Enactment was drafted on the basis of the setting up of local authorities.⁵⁷

⁵⁵*Ibid.*

⁵⁶CO 1030/114, A Colonial Office Minute, 12 July 1956.

⁵⁷CO 1030/114, item 50, High Commissioner to Colonial Office, 27 August 1956.

3.4 The Reform of State Council and the Formation of District

(Administrative) Councils

Sir Anthony Abell and John Gilbert made several efforts to make the idea of local government acceptable to the people in Brunei. In November 1956 Sir Anthony Abell proposed to the Sultan the gradual development of the Sanitary Boards into local authorities and the creation of Rural Development Boards, as an alternative to the local government bodies. The Sultan was not in favour of the idea because he feared that the scheme would be quickly viewed as device to introduce surreptitiously local authorities without first obtaining the general support of the public. He suggested instead that an Advisory Council should be established with the membership being nominated by him. The function of the Council, chaired by the British Resident, would be to advise the State Council in matters of importance including legislation.⁵⁸ But this plan was a different concept from the local authorities scheme which aimed at training local people in administration and selecting Unofficial members to the Legislative Council. It was, however, not favoured by Sir Anthony Abell.⁵⁹

Meanwhile pressure on the High Commissioner and the Sultan to finalise the new Constitution was mounting. In December 1956, the Brunei District Advisory Council criticised the Government for the delay in introducing the Constitution. It adopted a resolution urging the Government to expedite the process which had been delayed for more than three years. The Council also demanded that the draft of the

⁵⁸CO 1030/237, item 1, High Commissioner to Colonial Office, 25 November 1956.

⁵⁹*Ibid.*

Constitution Enactment should be laid before the Council so that it could be scrutinised before it was to be adopted.⁶⁰ On the other hand, the PRB, which had been registered in August 1956, continued to make rapid progress, especially in Brunei Town and the surrounding areas and by early 1957 had "assumed the proportion of a national movement".⁶¹ These developments were worrying for the Government. Thus in early February 1957 Sir Anthony Abell and Gilbert held discussions with the Sultan on how to stabilise the political situation in the State. The Sultan was adamant that he would not reintroduce the local government scheme which had been rejected by the people. However he agreed to inform the public that, as a first step towards the framing of the Constitution, he intended to enlarge the State Council by the appointment of members from existing District Advisory Councils. He also agreed to reorganise the District Advisory Councils to make them more representative and broadly based.

Before the new plan was made public in mid-February 1957, Gilbert made a last attempt to introduce the local government scheme by appealing directly to the Brunei/Muara District Advisory Council, which was the most vocal among the four District Councils, for support for the scheme.⁶² He explained to the Council that the new Constitution would contain a Legislative Council whose Unofficial members would be selected from the local governments councils. Unless the local government enactment was introduced the selection could not be done and the Legislative Council

⁶⁰BA/1665/1983 (139/56), Minutes of the Brunei District Advisory Council Meeting on 27 December 1956.

⁶¹CO 1030/658, item 1, High Commissioner to Colonial Office, 8 February 1957.

⁶²BA/0343/1983 (BRO/642/54), British Resident to Chairman of the Brunei District Advisory Council, 14 February 1957.

could not be established and the new Constitution could not be introduced. Furthermore he said if the ultimate aim of the Constitution was to achieve self-government under a constitutional monarch within the British Commonwealth, it was important to provide for future Government ministers to obtain sufficient training to in government. He did not see any other better way than to introduce local government bodies. However he assured the Council that the scheme would be introduced in keeping with the views of the people. He promised them that the taxes would not be burdensome because the Central Government would give additional financial aid based on the number of people in the District or Urban areas. He also assured them that the money collected would be spent for the benefit of the people.⁶³

Despite the forceful plea the members of the Council unanimously opposed the reintroduction of the local government scheme. The members of the Council held that the Local Council Enactment had been rejected and the Sultan had confirmed it in an announcement.⁶⁴ As a result the Government had to contend with the Sultan's programme of reforming the State Council and reorganisation of the existing of the District Advisory Councils.

Under the programme, the scope of the State Council would be enlarged by increasing the representation of the people on the semi-hereditary Council: that is, by an addition of ten members selected by the Sultan from a panel of twenty-two councillors nominated by District Councils. These new members would become Unofficial members of the State Council. The existing four District Advisory Councils

⁶³*Ibid.*

⁶⁴BA/12917/78 (BRO/274/57), Minutes of the Brunei District Advisory Council Meeting on 28 February 1957.

would be reorganised into administrative District Councils. The Brunei Town Municipal Board would become a district council and the Belait Municipal Board representatives would sit on the District Council for the Belait. Therefore there would be five District Councils. Although the District Councils would be administrative bodies and not statutory bodies, they would be a *de facto* local government without raising the issue of the loss of authority by the *Pengulus* and *Ketuas* and the contentious question of taxes. It was intended that these councils would be given funds from central government to permit them to carry out development projects in their local areas. Half of the membership of the each District Council would be elected by the people by "traditional methods" and the rest appointed by the Sultan.⁶⁵

Table 6: Membership of District (Administrative) Councils

Councils	Official Members	Unofficial Members	Total	Nominated by Coucillors	Selected by the Sultan
Brunei Urban	12	0	12	4	2
Brunei Rural	16	16	32	4	2
Tutong Rural	9	9	18	3	1
Temburong Rural	6	6	12	8	1
Belait/Seria Rural and Urban	14*	10	24	8	4
Total	57	41	98	22	10

Source: Compile from *The Borneo Bulletin* (9 March 1957).

Note: * Including 4 representatives of business and trades.

⁶⁵CO 1030/658, item 1, High Commissioner to Colonial Office, 8 February 1957.

The programme was to be implemented immediately and from March 1957 the District Advisory Councils would be known as the District Councils. Elections to the Councils would be held during the year so that the Councils would be able to function from 1 January 1958. The remainder of the year the Sultan decided to promote the "observers" as full members and acted as the Unofficial members of the State Council.⁶⁶

Although the Sultan refused to go further towards popular representation on the State Council, Sir Anthony Abell was satisfied that some advance had been made which presented an alternative to the PRB's programme and he hoped that it would lead to a more stable state of affairs in Brunei.⁶⁷ However when the Sultan's reform programme was made public on 9 March 1957 it was immediately rejected by the PRB. Azahari described the plan to broaden the scope of the State Council as "primitive change" and the methods used to select the members of the Council as "a mockery of democracy".⁶⁸ He declared that his party would not take part in the proposed new District Councils elections because they felt the people did not have sufficient representation on the State Council under of the plan. The PRB demanded that seventy-five per cent of the State Council should comprise freely elected members and an election enactment should be drawn up to regulate the proposed elections. The PRB threatened to boycott the Sultan's proposals and to organise a State-wide demonstration if it's views were not accepted.⁶⁹

⁶⁶*The Borneo Bulletin*, 9 March 1957.

⁶⁷CO 1030/658, item 1, High Commissioner to Colonial Office, 8 February 1957.

⁶⁸*The Borneo Bulletin*, 16 and 23 March 1957.

⁶⁹*Ibid.*

3.5 The Partai Rakyat Brunei's Constitutional Memorandum and the Publication of the Sultan's Constitutional Proposal

The PRB held its first congress at the end of March 1957. The congress, which was attended by more than five hundred delegates, including observers from the neighbouring territories of Limbang, Lawas, Sipitang, Miri, Sibuti and Labuan, adopted a resolution reaffirming the Party's call for seventy-five per cent of the members of the State Council to be elected. In addition a resolution to send a delegation to London to demand full self-government was adopted. Another resolution called on the Party Executive to seek ways and means of bringing about the federation of Sarawak, Brunei and North Borneo into one State, with due safeguards for the position of the Sultan of Brunei. The congress also adopted a resolution calling for Trade Unions to be established in Brunei.⁷⁰

In regard to the proposal to send a delegation to London, the PRB decided to engage a British Lawyer, Walter Raeburn, Q.C. to provide legal advice and to assist in drafting a memorandum to demand self-government. The memorandum was to be forwarded to the Secretary of State before the departure of the PRB delegation. Raeburn's experience as a Constitutional adviser to David Marshall's "*Merdeka* Mission" in early 1956 and Lim Yew Hock's "*Merdeka* Conference" in London in March/April 1957 was useful to the PRB. In fact Raeburn was briefed by Marshall on behalf of the PRB, after the latter had initially declined the assignment, on the grounds that he was no longer *persona grata* with the British Government and could

⁷⁰*The Borneo Bulletin*, 6 April 1957; Haji Zaini Haji Ahmad, *Partai Rakyat Brunei: Selected Documents*, Petaling Jaya, INSAN, 1987, p. 11.

not therefore plead the PRB's cause effectively.⁷¹ Before arriving in Brunei, Raeburn contacted the Colonial office, on the instructions of the PRB, to find out the British Government's policy on the political future of Brunei. He told the Colonial Office that his clients wished "to act as openly as possible and in the fullest cooperation with the authorities in pursuing their objective".⁷²

The PRB's decision to send a delegation to London and to invite Raeburn to Brunei alarmed the British authorities in the State. The PRB had publicised its plan to go to London and its intention to solicit support from Indonesia, India, Pakistan, Egypt and other countries. Sir Anthony Abell wrote to the Secretary of State towards the middle of May:

"I am afraid we can't avoid the publicity or prevent the visit to you but it might be helpful if I could get them to agree to postpone the trip until the winter on the grounds that during the summer months you will be very busy with other constitutional meetings thereby allowing us time to give publicity to His Highness's plans. On the other hand you may decline to see them altogether which we would of course like but may be (sic)impossible".⁷³

In fact the High Commissioner asked the Colonial Office to dissuade Raeburn from taking up the assignment or at least to persuade him to wait until the Sultan's Constitutional proposals were published. The involvement of a British lawyer in the

⁷¹CO 1030/464, item 9, Colonial Office to High Commissioner, 31 May 1957.

⁷²CO 1030/464, item 1, Minute by R.Wray, 20 May 1957; item 4, Colonial Office to the High Commissioner, 24 May 1957; item 8, Note of Meeting between Raeburn and J.B.Johnston at the Colonial Office on 30 May 1957.

⁷³CO 1030/464, item 3, the High Commissioner to Secretary of State, 13 May 1957.

preparation of the PRB's political demands was viewed as particularly embarrassing to the British authorities in Brunei. They feared that the Sultan may suspect that the whole affair was a British plot to put pressure on him to concede a more liberal constitution. They also feared that the effects of the London trip and Raeburn's visit, which was expected to create much interest among the people in Brunei, would overshadow the Sultan's Constitutional reforms. Consequently, the whole affair could give Azahari and his Party a higher standing than the Sultan and could divert the loyalty of the people. The British were also concerned that Raeburn's visit could harm their interests in the State.⁷⁴

The situation in Brunei during the period did not only cause concern among the British authorities. In June 1957 the Managing Director of Shell Head Office in London discussed the political situation in Brunei with the Colonial Office. The Oil Company was anxious about the possible effect of Azahari and his Party's programme on its oil industry. Presumably the decision of company to change its name from the British Malayan Petroleum Company (BMPC) to the Brunei Shell Petroleum Company (BSPC) in March had something to do with the rise of nationalism in the State. The amount of publicity Azahari had received both in the local and foreign press they feared might have a disturbing effect on its labour force. The BSPC was afraid that racial sensitivities between the Malays and Chinese might be exploited by Azahari. The Company admitted that almost all its skilled and senior Asian staff were Chinese, and that the Brunei Malays, who did not possess the qualifications for skilled posts, had to be content with less important jobs and were accordingly jealous of the Chinese. Moreover Azahari's proposal for the creation of Trade Unions it feared

⁷⁴CO 1030/464, item 5, High Commissioner to Colonial Office, 27 May 1957.

might well cause a great deal of trouble and intensify ill feelings if they in the hands of the radical elements. The Company suggested the British Government should take action to stabilise the situation. The Colonial Office told the Company that without being unduly complacent on security, the British authorities did not wish to "precipitate action that might have the effect of making a martyr of Azahari".⁷⁵ Instead it tried to guide and control the movements through peaceful and constitutional channels. The Colonial Office and the Company agreed that the way to tackle the problem was to "tame" Azahari by offering him a position in the Government or in the Oil Company⁷⁶, and to consider creating an opposition Party to the PRB which could give support to the existing Government.⁷⁷ In effect the British authorities in Brunei had been pondering over an alternative to the PRB. In November 1956 Sir Anthony Abell told the Colonial Office:

"It would be simple if it could take the form of a King's Party but we cannot do that effectively unless we drive a wedge between His Highness and his traditional advisers and that he would not countenance. Although I know he shares most of my views of his Ministers they are strongly entrenched round

⁷⁵CO 1030/464, item 14, Note of Meeting between Whiteley of Colonial Office and Nuttall of Shell Head Office in London, 20 June 1957.

⁷⁶Azahari claims that he had been offered "high positions" both by the Government and the BSPC, but declined them because he refused to abandon politics. Interview with Azahari, February 1993.

⁷⁷*Ibid.*, CO 1030/464, item 16, Secretary of State to High Commissioner, 5 July 1957.

and in the Istana and his life would be made a misery to him if he deserted their interests".⁷⁸

The Colonial Office, however, failed to dissuade Raeburn from taking up his assignment. Raeburn did not think that his visit would cause any problem because he emphasized that his brief was "a professional engagement" and that he was "simply doing a straight legal job by putting the PRB's demands in a coherent form". Raeburn suggested that he might even be able to persuade the PRB to modify its demands to make them acceptable. The Colonial Office doubted the sincerity of Raeburn; but hoped to see his influence on the PRB in the direction of moderation and gradualness in regards to constitutional advancement in Brunei.⁷⁹

Raeburn arrived in Brunei in early June 1957 to begin his assignment. Before preparing the memorandum, Raeburn visited the main centres of population and met the people in order to gain first hand knowledge of the real situation in the State. His meetings were well attended by both the PRB's members and non Party members. Raeburn spoke with "moderation and ...impressed Azahari with the necessity for moderation at this stage".⁸⁰ In fact Raeburn claimed that he was able to create a new understanding amongst the PRB of what the British were doing in Brunei and at the same time he had been able to interpret Azahari and the PRB to the European

⁷⁸CO 1030/237, item 1, High Commissioner to Colonial Office, 25 November 1956.

⁷⁹CO 1030/464, item 8, Note of Meeting between J.B. Johnston and Raeburn, 30 May 1957; item 9, Colonial Office to High Commissioner, 31 May 1957.

⁸⁰CO 1030/464, item 17, High Commissioner to Colonial Office, 6 July 1957.

officials.⁸¹ Sir Anthony Abell for example, noted:

"A more moderate view now prevails in the political circles: relations between Party Ra'ayat and Government have improved: relations between labour and employer, and between European and Asian have improved. There is in fact a pleasant lull on this front and it can be expected to last until October unless we do something to upset it".⁸²

Raeburn did not only meet and talk to PRB members but he also met members of the administration, including the British Resident and toured Government's development projects. He also visited the BSPC and talked to its managers and staff. Towards the end of his visit Raeburn had a cordial meeting with the Sultan at which the latter "discussed politics freely with him and on quite a few occasions they found themselves in agreement".⁸³

At the end of his three week visit Raeburn completed the PRB's draft constitutional memorandum but he admitted that the final draft had been "somewhat mutilated" through the activities of Lim Cher Keng, an Independent member of the Singapore Assembly who was included in Raeburn's entourage on the advice of David Marshall in order to rally the Chinese supporters. Raeburn told the Colonial Office that Lim Cher Keng had taken the tiresome Singapore line that the Party would lose support if its proposals at any point reflected approval of British administration or

⁸¹CO 1030/464, item 18, Note of Discussion between J.B.Johnston and Raeburn on 16 July 1957.

⁸²CO 1030/464, item 17, High Commissioner to Colonial Office, 6 July 1957.

⁸³*Ibid.*

achievement in Brunei.⁸⁴ The PRB's Memorandum on Constitutional Proposals was finally submitted to the British Resident for onward transmission to the High Commissioner and the Secretary of State in London in early July. The High Commissioner gave a copy of the memorandum to the Sultan.⁸⁵

As reiterated by the Party, the memorandum demanded the establishment of a Legislative Assembly with three quarters of the members being elected directly by the people. The remaining one quarter would be nominated by the Sultan. It was a concession to his prestige and position. In order for the election to be democratic voting would be by secret ballot. In relation to this demand the memorandum proposed new conditions for Brunei citizenship, which were: birth within the territory; continuous residence for a substantial number of years; or naturalisation. The citizenship proposal was seen partly as an attempt by the PRB to woo Chinese support in the State and partly a long term strategy which extended beyond the borders of Brunei. In addition the Party proposed that the Chinese Language be ranked together with Malay and English as one of the official languages of Brunei.

The memorandum also outlined the type of government the PRB wanted under the new constitution. The Residential System would be abolished and replaced by a Ministerial System under a local Chief Minister, presumably known as *Menteri Besar*. The Sultan would be under constitutional obligation to call upon the leader of the party commanding a majority of votes in the Legislative Assembly to form the Government. The executive authority would be vested in the Government of the day.

⁸⁴CO 1030/464, item 18, Note of Meeting between J.B. Johnston and Raeburn, 16 July 1957.

⁸⁵A copy of the Memorandum is in CO 1030/464, item 34, High Commissioner to Colonial Secretary, 18 July 1957.

The Sultan would become a Constitutional Monarch, conducting the affairs of his Government on the advice tendered by the Chief Minister.

However, the memorandum was not specific with regard to the relationship between Brunei and Britain under the new constitution. It stated that there would be a British Adviser whose function would be to advise the Government, but it did not contemplate that the Government would have to accept his advice. This implied that the British Government had no real power other than on external affairs which would presumably be the responsibility of the High Commissioner. It also implied that Brunei would have full internal self-government under British protection. This was confirmed by Azahari when he assured the High Commissioner, on the day Raeburn left Brunei, that his Party wished to see the Sultanate preserved under the British protection and stood for the closest relations with Britain.⁸⁶ Finally the memorandum also envisaged that a federation of Brunei, Sarawak and North Borneo, each retaining for the purposes of internal government its own peculiar constitution, should be the objective to be pursued.

Despite Azahari's assurance, the Colonial Office and the British authorities in Brunei agreed that PRB's demands were unacceptable to them and the Sultan.⁸⁷ To the British the PRB's proposals, which were "more advanced than the contemporary status of Singapore", could only represent a goal to be aimed at after 10 - 15 years experience of a constitution, and were quite unsuitable for adoption in Brunei at that stage. The British recognised that there were too many risks at stake to hand over

⁸⁶CO 1030/464, item 17, High Commissioner to Colonial Office, 6 July 1957.

⁸⁷CO 1030/464, item 34, High Commissioner to Secretary of State, 12 August 1957; *ibid.*, item 41A, "Note on the Raeburn Memorandum", 3 September 1957.

the government of Brunei to the people of Brunei when the level of education was still low.⁸⁸ They believed Brunei was not ready at that stage to undertake full responsibilities of government. This notion was clearly expressed by Sir Anthony Abell to the Colonial Office:

"I feel also that the future of our capital investment in Brunei should not be forgotten. A longer period of tutelage and some promise of capacity to govern is required before we should risk the future by handing over power to such doubtful management".⁸⁹

Although the demands of the PRB were unacceptable they could not be ignored because the British recognised that the PRB represented a large section of the people. The press coverage, moreover, had given the Party a place on the political map. A Colonial Office official for example wrote to Sir Anthony Abell:

"The next steps are going to be very tricky, and we cannot help feeling here that we are now at something of a watershed in Brunei's political development; and that the way things go in future will very much depend on how affairs are handled in the next few months. Whether we like it or not it seems clear that the Party Ra'ayat are now on the map and that Azahari and his following are now more than a clique of hotheads who can be ignored".⁹⁰

The problem facing the British was how to handle the PRB while maintaining what they felt was a sensible pace of political development and without damaging their

⁸⁸CO 1030/464, Minute by Whiteley, 14 August 1957.

⁸⁹CO 1030/464, item 34, High Commissioner to Colonial Office, 12 August 1957.

⁹⁰CO 1030/464, item 20, Colonial Office to High Commissioner, 23 July 1957.

relations with the Sultan or provoking the PRB into violence. They did not want to take covert action against Azahari and his Party because they feared that the Party would go underground and resort to violence. At the same time they believed Azahari and his Party were as "moderate, at present, as any likely alternative". Sir Anthony Abell told the Colonial Office that there was "a very anti-British group of school teachers waiting their cue, [who were] ...pro-Sultan and rabid Brunei nationalist".⁹¹ The sensible approach, they recognised, was to associate the PRB in some way with the Sultan's proposals; but at the same time they also recognised that there was little chance of bringing about an accommodation between the two opposing "parties"; the PRB demanded the Sultan give up his absolute power, but the latter refused to share power with the PRB.⁹²

Meanwhile the British authorities in Brunei decided to put pressure on the Sultan to agree to publish his constitutional proposals before the PRB's proposals became known. The idea was to bring some of the "moderates" over to the Sultan's side, and to show that the large sums of money spent on the lawyers and delegations had been wasted.⁹³ The Colonial Office agreed that the main provisions of the Constitution should be published so that the Government took "some credit for moving at least in the direction of democratisation on its own initiative".⁹⁴

⁹¹CO 1030/464, item 17, High Commissioner to Colonial Office, 6 July 1957.

⁹²CO 1030/464, Colonial Office's Minute, 18 July 1957.

⁹³CO 1030/464, item 17, High Commissioner to Colonial Office, 6 July 1957.

⁹⁴CO 1030/464, Minute by G.C.Whiteley, 18 July 1957.

Towards the end of July 1957, Gilbert announced the outline of the main provisions of Constitution Enactment.⁹⁵ Sir Anthony Abell informed the Colonial Office:

"It is not a clever document. We had the greatest difficulty in getting His Highness's agreement. He is, I am afraid, becoming more and more stubborn and though he wants a new Constitution and still more a new agreement with H.M.G. he is determined to give nothing away to Azahari. He wants only in fact his own powers increased at the expense of the Resident's and mine. His grudging concessions to democracy are purely moves of expediency in the game he plays with me. He is, unfortunately, receiving very bad advice at the present time from a group of school-teachers who are rabidly nationalistic as a result is playing right into the hands of Azahari who is now a clever tactician and surrounds himself with Raeburn's nauseating aroma of sweet reasonableness".⁹⁶

Nevertheless, the High Commissioner believed that if the Sultan announced that he would consider any recommendations or criticisms he received from District Councils, and would say that he intended to hold free elections to District Councils as soon as possible it would go far to making the Constitution acceptable to the "moderates".⁹⁷

Meanwhile the British were pondering on how to respond to the PRB which determined to go ahead with its plan to send a delegation to London to seek interview with the Secretary of State on its demand for self-government.

⁹⁵*The Borneo Bulletin*, 27 July 1957.

⁹⁶CO 1030/464, item 32, High Commissioner to Colonial Office, 5 August 1957.

⁹⁷*Ibid.*

3.6 The Partai Rakyat Brunei's *Merdeka* Mission and the Sultan's Discussions with the Colonial Office

The PRB delegation left for London at the end of August 1957. The delegation, styled the "*Merdeka* Mission", was similar to the delegation led by Tunku Abdul Rahman, the Chief Minister of Malaya in January - February 1956 and David Marshall, the Chief Minister of Singapore, in June 1956. However, unlike the Malayan and Singaporean *Merdeka* Missions, the PRB's delegation could not claim to represent the people unless it had the blessing of the Sultan and his State Council. The PRB was aware of the weakness of its delegation; hence in early May the Party wrote to the Sultan asking him to receive its representatives to discuss its the plan to send a delegation to London to ask for self-government. It had intended to invite two representatives of the Sultan to join the delegation.⁹⁸ But the Sultan refused to see the PRB's representatives on the grounds that he, as the Sovereign Ruler of Brunei, did not want to involve himself in matters connected with political movements or political parties.⁹⁹ However, not long after that a report said that the Sultan was to have a long holiday in Europe.¹⁰⁰ The PRB also sought an interview with the High Commissioner to discuss its demands and the visit to London, but was again turned down. The High Commissioner told the Party to await the Sultan's proposals instead.¹⁰¹ In August the

⁹⁸General-Secretary of PRB to the Sultan, 6 May 1957. (Haji Zaini's Private Papers); *The Borneo Bulletin*, 20 April 1957.

⁹⁹Sultan's Private Secretary to Secretary General of PRB, 14 May 1957 (Haji Zaini's Private Papers).

¹⁰⁰*The Borneo Bulletin*, 8 June 1957.

¹⁰¹CO 1030/464, item 3, High Commissioner to Colonial Office, 13 May 1957.

High Commissioner advised PRB to submit its views on the proposals to the District Councils. However Azahari told the High Commissioner that he could not withdraw from the trip as it would be politically embarrassing.¹⁰² Furthermore, as he told the Secretary of State, he was not convinced that the existing system in the State could give a fair hearing for its cause, unless there were free elections. The only way of making itself heard was to send a delegation to London to talk directly with the Secretary of State.¹⁰³

On the way to London the delegation met with prominent politicians such as Lim Yew Hock, the Chief Minister of Singapore; Jawaharlal Nehru, the Prime Minister of India; and Zainuddin, the Minister of Education of Pakistan. The delegation was encouraged by the support given by these politicians.¹⁰⁴ Soon after the delegation left Brunei the Party issued a circular ordering its members to boycott the Sultan's Constitution or face expulsion. The PRB regarded the announcement of the constitutional proposals to coincide with its departure for London as an attempt to undermine its demands for self-government.¹⁰⁵ Meanwhile the Sultan and his entourage had arrived in London ahead of the *Merdeka* Mission. The fact that the Sultan's entourage consisted of three of his closest advisers and State Council

¹⁰²CO 1030/464, item 27, High Commissioner to Secretary of State, 20 August 1957.

¹⁰³CO 1030/464, item 70, "Notes of Meeting in the Secretary of State's Room on Monday, 30 September 1957".

¹⁰⁴Interviews with members of the *Merdeka* Mission: Azahari, February 1993; Yassin Affandi, December 1992 and May 1993; and Haji Zaini Haji Ahmad, December 1992; The delegation's plan to seek support from President Sukarno of Indonesia and President Nasser of Egypt was abandoned because of lack of money.

¹⁰⁵*The Borneo Bulletin*, 7 September 1957.

members, namely, the *Pengiran Pemanca* (the Second Minister); Pehin Datu Perdana Menteri Haji Ibrahim (the Sultan's Private Secretary who was also the Chairman of the Select Committee which drew up the Local Government proposals in 1956); and Pengiran Yusuf (Secretary of the 1953 Constitutional Advisory Committee) in the place of his wife, the Raja Isteri, and children, showed that the Sultan planned to hold important discussions on the constitutional proposals with the Colonial Office.¹⁰⁶

In fact the Sultan held three official meetings: one with the Under Secretary, Sir John Martin, and twice with the Secretary of State, Allan Lennox-Boyd. During the discussions the Sultan agreed to a proposal for elections to District Councils by secret ballot. This agreement was received with relief by the Colonial Office because much of the PRB's demands would be met.¹⁰⁷ Thus, a telegram was sent immediately to Gilbert in Brunei, who made a prompt announcement stressing that the members of District Councils would be elected by secret ballot and the Councils would elect their representatives to Legislative Council.¹⁰⁸ On the proposed Constitution itself there were two important points raised: the High Commissioner's reserve powers and the appointment of the *Menteri Besar*. As he had suggested to Sir Anthony Abell during his previous discussions the Sultan wanted to delete the High Commissioner's powers from the Constitution Enactment but was agreeable to a mention the proposed Agreement. Lennox-Boyd told the Sultan that he feared the High Commissioner's powers would not have the force of law in Brunei if they were not inserted in the

¹⁰⁶CO 1030/460, item 34, Note of Meeting between the Secretary of State and His Highness the Sultan of Brunei held at the Colonial Office on 27 September 1957.

¹⁰⁷*Ibid.*

¹⁰⁸*The Borneo Bulletin*, 27 September 1957.

Constitution. However the Sultan pointed out that there was no mention of such powers in the Constitution of the Malay States in Malaya. The Secretary of State replied that the High Commissioner's powers were set out in the Federation Constitution which covered all individual States. As a result the Sultan suggested that the detailed powers of the High Commissioner be deleted from the Constitution and a general clause inserted to the effect that anything in the Constitution was subject to the terms of the Agreement, which would contain details of the High Commissioner's powers.¹⁰⁹ The Secretary of State promised to look into the matter, but was optimistic that a way might be found to meet the Sultan's wishes.¹¹⁰ In regard to the second point the Sultan wanted the appointment of the *Menteri Besar*, the State Secretary and the State Financial Officer to be made simultaneously with the introduction of the new Constitution or, alternatively, six months after the Constitution came into effect. The Sultan, who was supported strongly by Pengiran Yusuf, said the change had been delayed since 1953 and represented the wishes of the people.¹¹¹ Lennox-Boyd felt that the Constitution should be established before the appointments were made but agreed to ask his Legal Advisers to look into the Sultan suggestion.¹¹²

¹⁰⁹CO 1030/460, item 34, Note of Meeting between the Secretary of State and His Highness the Sultan of Brunei held at the Colonial Office on 27 September 1957.

¹¹⁰CO 1030/460, item 35, Note of Meeting between the Secretary of State and His Highness the Sultan of Brunei held at the Colonial Office on 30 September 1957.

¹¹¹CO 1030/460, item 17, Note of Meeting with His Highness the Sultan Brunei in Sir John Martin's room on 11 September 1957.

¹¹²CO 1030/460, item 35, Note of Meeting between the Secretary of State and His Highness the Sultan of Brunei held at the Colonial Office on 30 September 1957.

The PRB's *Merdeka* Mission, which arrived in London in the middle of September, was given two formal interviews by the Colonial Office: with Sir John Martin and Lennox-Boyd, who told Azahari and his delegation that his decision to meet them was at the Sultan's recommendation. In fact this assisted the Secretary of State in its suggestion that the delegation should address its demands directly to the Sultan. The Colonial Office made clear to the delegation at the outset that it was not prepared to do more than listen to what the delegation had to say. Furthermore, Lennox-Boyd was able to point out to the delegation that since its memorandum had been written, the Sultan's proposals had been published. He suggested that the PRB should reconsider its position in the light of a careful study of the published text of the Sultan's Constitution. The Secretary of State said that Sultan's proposals were very wise and he fully supported them. He felt the PRB's proposals on the other hand represented too rapid a move forward at the stage of Brunei's political development. He also told Azahari and his delegation that their demand for democratic reforms had been partly met by the Sultan's agreement to hold elections by secret ballot. Lennox-Boyd criticised the PRB's decision to boycott the Sultan's Constitution as undemocratic, and suggested that the delegation should channel their comments to the Sultan-in-Council. Azahari, who was accompanied by the two members of his delegation and Raeburn, his Constitutional adviser, told Lennox-Boyd that the PRB had tried to find a method of communicating with the Sultan but had been unable to do so. He emphasised that their proposals were: that the autocratic power of the Sultan should be abolished; that the Sultan should not be Chairman of the Executive Council; that three-quarter of members the Legislative Assembly should be elected; that the Legislative Assembly should be chosen by direct election; that the Executive Council should work through a Chief Minister; and that the *Menteri Besar* should not be appointed but elected. But the Secretary of State reiterated that Azahari should submit his Party's views on the published proposals to the Sultan.

Thus the *Merdeka* Mission failed to achieve its objectives and as will be seen in Chapter 5 its consequence was devastating to the PRB. It lost its popularity and began to experience a period of decline until early 1960s. Unlike the PRB, the Sultan returned to Brunei in triumph. He was given a clear assurance by the Secretary of State that the British Government would protect him from any threats including the PRB. He was subsequently so confident that he even withdrew his agreement to hold free elections to District Councils, which had been announced by Gilbert due to be held at the end of the year. When the British Resident asked the Sultan to inform the public of his decision not allowing the elections to be held, the latter refused on the grounds that the announcement was made neither on his authority nor the State Council. In fact the minutes of the State Council held on 6 November recorded that the Council passed a resolution that the decision on the elections be postponed until the return of the Sultan.¹¹³

Furthermore the Sultan was also assured that the British Government would not impose the Borneo "closer association" proposals on Brunei without his consent.¹¹⁴ The Sultan had been unsure of the attitude of the British Government on these matters before he met the Secretary of State. The next chapter will focus on the British proposals to bring the three Borneo territories of Brunei, North Borneo and Sarawak into a closer political association.

¹¹³BA/12875/78, Minutes of the State Council Meeting held on 6 November 1957.

¹¹⁴CO 1030/460, item 29, "Note of Meeting between the Secretary of State and His Highness the Sultan of Brunei held at the Colonial Office on 27 September 1957".

CHAPTER 4

BRUNEI AND THE CLOSER ASSOCIATION OF BRITISH BORNEO TERRITORIES PROPOSALS 1953 - 1958

In the midst of the discussions on the Brunei Constitution British officials were seriously considering proposals to bring the three Borneo territories of Brunei, North Borneo and Sarawak politically closer. The proposals, which were referred to as "closer association" of British Borneo territories, were discussed and considered behind closed door since February 1953; but only made public in February 1958. This chapter examines the proposals for a closer association, the problems the planners faced and the impact of the proposals on the shape of the Brunei Constitution.

4.1 Malcolm MacDonald and the Closer Association Proposals

As seen in Chapter 1 the British policy since the World War II was to bring Brunei, North Borneo and Sarawak under some form of political and administrative association. But due to the strong protests of the Malays in Sarawak against the cession of their independent State to the British Crown in 1946, the British feared that such a declaration would inflame the anti-cessionist campaign. Moreover, as a result the devastation of the war, particularly in North Borneo, the territories needed several years of physical reconstruction and administrative consolidation. Nevertheless, to pave the way for a closer political association a policy of closer departmental association in matters of common concern, such as geology, meteorology, the

Judiciary, etc. were embarked upon. But in January 1949 Sir E. Twining, the Governor of North Borneo and Sir Charles Arden-Clarke, the Governor of Sarawak, complained that the pace was being forced beyond the capacity of their administrations, and a slower approach was agreed upon.¹

By the early 1950s the political and social conditions in the territories permitted a reexamination of the policy. Moreover, the plan to bring the Federation of Malaya and Singapore closer had become politically intractable. The Federation refused to absorb about three quarters of a million Chinese from Singapore so as not to upset the existing racial balance while the Chinese-dominated Singapore on the other hand did not wish to come under the Malay-dominated Federation. However, by the early 1950s there were indications that a closer union of the two territories might be acceptable to the Malays in the Federation if the Borneo territories with a smaller Chinese population could be involved. At the same time Singapore would find it easier to bargain for suitable terms of entry into a Greater Federation if the Borneo territories were to join at the same time. It was mainly for this reason that the Commissioner-General for the United Kingdom in Southeast Asia, Malcolm MacDonald, attempted in 1952 to revive the Colonial Office's wartime plans to bringing the five British territories into "some sort of Confederation".² However, the Colonial Office maintained that the initiative for a closer association should come from the territories and there would be no question of Whitehall imposing such a

¹CO 1022/61, item 30, "Political Objectives in British territories of South East Asia", 10 March 1953. A Colonial Office's paper prepared for the Secretary of the Joint Planning Staff, Ministry of Defence; see also CO 1022/61, Colonial Office's Minute, 7 February 1952.

²CO 1030/61, item 7, MacDonald to Colonial Office, 29 January 1952.

plan.³ Thus it was left to MacDonald, whose main task was to promote co-operation and co-ordination of policies of all the territories under his authority, to foster the idea of closer political association among the leaders in the five territories. To achieve his purpose MacDonald decided to take advantage of the formation in Southeast Asia of branches of the Commonwealth Parliamentary Association, which periodically brought together the leading politicians of the British territories in the region, "to foster the idea of a political Association of all the South East Asian territories in a single group".⁴

In February 1953, after a successful meeting of the representatives of the branches of the Commonwealth Parliamentary Association at Jesselton in North Borneo, MacDonald and the new Governors of North Borneo and Sarawak, Sir Ralph Hone and Sir Anthony Abell, respectively, agreed to take some concrete steps towards bringing the Borneo territories closer together.⁵ In order to achieve their objective a Standing Inter-Territorial Conference was established on 21 April 1953.⁶ The Inter-Territorial Conference, chaired by the Commissioner-General included the two Governors, their Chief Secretaries, two unofficial members of their Councils, the Sultan of Brunei and the British Resident, and certain members of the State Council.

³CO 1022/61, Colonial Office's Minute, 20 January 1953.

⁴CO 1022/61, item 30, "Political Objective..."

⁵CO 1030/61, items 4 and 5, Commissioner-General to Governor of North Borneo, 10 February 1953 and Governor of North Borneo to Commissioner-General, 12 February 1953. Brunei was not a member of the Commonwealth Parliamentary Association; however, it was represented at the Jesselton meeting by Datu Perdana Menteri Haji Ibrahim bin Jaafar, a member of the Brunei State Council and the Sultan's Private Secretary.

⁶CO 1022/294, item 5, Minutes of the First Meeting of the Borneo Inter-Territorial Conference, held at Kuching on 21 April 1953.

The Conference met twice a year in each territory in rotation. It was purely consultative and had neither constitutional nor statutory legal authority. Its purpose was mainly to discuss matters of common concern and to take measures to promote closer co-operation and co-ordination between Departments of the three Governments.⁷ However the main aim was to foster the idea of political association among the leaders of the three territories. As MacDonald said: "when and if the 'atmosphere' of the discussions on the Conference made it possible, the question of federation between the three territories would be considered".⁸

In October 1954 MacDonald chaired a meeting in Kuching to discuss his memorandum on "closer association" between the three Borneo territories. The meeting, which was attended by Sir Anthony Abell and Roland Turnbull (the new Governor of North Borneo) and Sir John Martin (Assistant Under-Secretary of State in the Colonial Office) agreed that there should be two successive moves on MacDonald's plan for "some sort of Confederation" between the three Borneo territories and the Federation of Malaya and Singapore: first the "closer association" of the Borneo territories, and only afterwards an attempt to accomplish their constitutional partnership with the Federation of Malaya and Singapore.⁹

⁷CO 1030/164, item 24, Commissioner-General to Secretary of State for the Colonies, 4 February 1955.

⁸CO 1022/63, items 4 and 5, Commissioner-General to Governor of North Borneo, 10 February 1953.

⁹CO 1030/164, item 9, Note of Meeting at Kuching to consider closer association between the Borneo territories, 28 October 1954. Neither the Sultan nor his representatives were invited to the meeting. The spokesman for Brunei at the meeting was Sir Anthony Abell in his capacity as the High Commissioner for the State.

On the question of the "closer association" of the Borneo territories there were differences between Turnbull and Sir Anthony Abell. Turnbull wanted to bring North Borneo, Brunei and Sarawak into a complete amalgamation. He noted that:

"a Federal Government of the Governments of the three Borneo Territories would be nonsensical; it would be so top heavy that it would be unworkable.

The obviously desirable thing was a single Government which removed the identities, certainly geographical identities, of the three Territories".¹⁰

He proposed that there should be one Governor or High Commissioner for the whole area, with a series of provincial administrations, two or three for North Borneo, two or three for Sarawak and one for Brunei. He believed amalgamation of the three territories could produce a unit which would be able to talk on level terms with Singapore and the Federation. He did not think the slow approach would get them anywhere.

However, Sir Anthony Abell thought there was no hope of getting the territories closer than they were at the time. He emphasised that "if they [the British] used the knife they would have to use troops". He believed that if they tried to amalgamate the three Borneo territories, Brunei would regard it as a device to acquire a share of its wealth for the other two territories. He said:

"It would be a long time before there would be any closer association which would involve the sharing of Brunei's wealth with another Territory. Brunei would not tolerate such a step".¹¹

¹⁰*Ibid.*

¹¹*Ibid.*

Consequently, MacDonald proposed a scheme for a "closer association" which he felt would be acceptable to the three territories. The main feature of his scheme was the formation of a Standing Joint Council on which the three territories would be represented as equals. Although the membership of the central body would be similar to the existing Inter-Territorial Conference, unlike the latter the Joint Council would be made a constitutional body with executive powers in certain defined fields of common interest. He envisaged that the Joint Council would become the major policy-making body of the three territories.¹²

MacDonald felt that his scheme could be achieved by making the proposals for "closer association" part of a wider plan for constitutional development in the British Borneo territories. He proposed Brunei should cease to come under the Governor of Sarawak in his capacity as the High Commissioner. He thought that this would please Brunei because it was critical of the implication that Brunei was way subordinate to the Sarawak Government. Macdonald admitted that the idea to link Brunei and Sarawak in 1948 might have been a mistake on his part. However he said the step had been taken with the intention of bringing Sarawak and Brunei into "closer association". Brunei instead became suspicious of Sarawak, and MacDonald felt they had "lately tended to grow not to decrease".¹³ To resolve the problem he proposed that the British Resident should cease to be under the Governor of Sarawak: instead the Resident should assume the function of the High Commissioner, acting under the direct instructions of the Secretary of State. However, he suggested that if the Brunei

¹²CO 1030/164, item 24, MacDonald to Secretary of State , 4 February 1955.

¹³CO 1030/164, item 9, Note of Meeting at Kuching...

authorities agreed the heads of appropriate Government Departments might continue to act as advisers to the Sultan in their respective spheres.

Secondly, MacDonald proposed that the existing Treaty between Britain and Brunei should be revised, to remove features which were out of date with contemporary Asian opinion. He specifically suggested that the provision that the Sultan must accept the advice of the British Resident should be appropriately modified.

Thirdly, MacDonald proposed territorial concessions to Brunei: Labuan and the Fifth Division of Sarawak should be joined with Brunei for administrative purposes. However, the status of the territories and their inhabitants, he suggested, should remain British. He thought that on one hand, this would please the Brunei authorities because it would increase the sphere of influence and, on the other, be advantageous to the people of Labuan and the Fifth Division of Sarawak because Brunei's revenue could then be spent on those territories. In fact MacDonald wanted to see "Brunei money not only spent on Labuan [and the Fifth Division of Sarawak] but also spread over the whole of the Borneo territories". In order to do that he wondered whether the Sultan could become a "High Commissioner or Lieutenant-Governor" with certain administrative responsibilities in the three territories. However Sir Anthony Abell disagreed. He said, "while it was true we wanted to see Brunei's money spread out we did not necessarily want Brunei's influence to do the same".¹⁴

Fourthly, MacDonald proposed that the Sultan of Brunei should become the head of the Muslim faith for the three Borneo territories. But Turnbull did not think that the Sultan of Brunei should become a "*Mufti*", although he could become "the

¹⁴*Ibid.*

head of a body which guided Mohammadan affairs".¹⁵

In February 1955 MacDonald sent his proposals to the Colonial Office for approval.¹⁶ The Colonial Office was not enthusiastic about his proposals. The Secretary of State, Alan Lennox-Boyd, believed that it was "too early to agree even in principle to the separation of Brunei from Sarawak" and he would only be prepared to consider the revision of the Treaty when the new constitution in Brunei had been established. Lennox-Boyd said that the Government of Brunei should be allowed time to settle down after the new constitutional reforms had taken place, and the other concessions to Brunei proposed by MacDonald should be considered only when the success of the new constitution had been established. In the meantime he suggested that nothing should be done which might divert the Sultan's attention from the task of ensuring their success.¹⁷ However the Secretary of State agreed in principle to the creation of a Standing Joint Council with executive powers on the lines proposed by MacDonald. He suggested that the constitution of the Joint Council, and the subjects in which it should be given executive authority, should forthwith be examined in greater detail, with a view to discussing it with the Sultan at a suitable opportunity. He advised MacDonald to proceed slowly even though it might mean deferring for a time the creation of the proposed Council.¹⁸

¹⁵*Ibid.*

¹⁶CO 1030/164, item 24, Commissioner-General to Secretary of State, 4 February 1955.

¹⁷CO 1030/164, item 26, Secretary of State to Commissioner-General, 25 March 1955.

¹⁸*Ibid.*

In June 1955 MacDonald, Sir Anthony Abell and B.J. O'Brien, the Acting Governor of North Borneo, met at Jesselton to discuss the proposed Joint Executive Council approved by the Secretary of State. They agreed not to take any "overt action" to achieve "closer association" between the three Borneo territories through a Joint Executive Council until the new Brunei Constitution had come into being, and its working accepted by the Sultan. Their only aim meanwhile was to get the principle of "closer association" accepted by the three territories. However, they agreed that "covert action" should take place simultaneously and should be directed towards: drawing up what were considered to be the proper powers for the Joint Executive Council; consideration of the way in which the Brunei Constitution should eventually be revised to enable such a Council to function effectively; plans for the administration of Labuan under Brunei; any other matters which would be useful for promoting the aim of "closer association".¹⁹ In regards to the matters in which the Joint Council might have powers they decided to include: Defence, Internal Security, Judiciary, Geological Survey, Communications, Lights and Harbours, Trade and Customs, Banking and Currency. The Attorney-Generals of North Borneo and Sarawak were asked to consider and advise what changes, if any, would be necessary in the constitutions of Sarawak, North Borneo and Brunei in order that a Joint Executive Council could be set up. At the end of the meeting they agreed that "nothing of the foregoing should be mentioned to the Sultan of Brunei at present".²⁰

¹⁹CO 1030/164, item E/33, "Summary of the Record of a Meeting held at Government House, Jesselton, on 26 June 1955 to discuss closer association of the Borneo Territories".

²⁰*Ibid.*

4.2 Sir Robert Scott and the Closer Association Proposals

In September 1955 MacDonald was replaced by Sir Robert Scott as the Commissioner-General for the United Kingdom in Southeast Asia. Unlike MacDonald, Sir Robert Scott came from the Foreign Office, and was more concerned with security and strategy. This undoubtedly had an important bearing on his views on the future of the territories. By the time he took over the office of the Commissionership, political developments in the Federation of Malaya and Singapore had changed considerably and they were well ahead in their march towards independence. In February 1956 he wrote to Lennox-Boyd:

"Modern strategy calls for dispersal, and the need to reduce overseas defence expenditure coupled with the political difficulties of maintaining large establishments in Malaya and Singapore point to reductions there".²¹

He pointed out the potentialities of the Borneo territories in the defence of British interests in the region. The first was Sandakan, on the east coast of North Borneo, which he suggested could accommodate a small airfield, signals centre, and small garrison financed and operated by the Australians. He was confident that the Australians would be attracted to the idea because the area was strategic to the defence of their country. The second was Labuan Island. What he had in mind for Labuan was:

"a first rate airfield to take the heaviest civil planes, under joint R.A.F./civil control, with R.A.F. detachment and signals centre, a small naval depot ready

²¹CO 1030/164, item 37, Sir Robert Scott to Secretary of State for the Colonies, 18 February 1956.

for expansion in an emergency with facilities for floating docks, and a small garrison of local forces raised in Borneo. Developed as a free port and as one of the world's largest oil-transshipment and blending depots, Labuan could become a very prosperous place indeed, with enough air and sea traffic to pay much of the cost of upkeep".²²

However he realised the main problem would be capital for development, and shortage of labour. But he saw no insuperable difficulty in either. He said: "they will govern the pace, but should not be allowed to delay the plan".²³ Sir Robert Scott undoubtedly was looking to Brunei for his capital as he insisted later that Labuan should be transferred to Brunei.

Towards the end of March 1956 Sir Robert Scott summoned Sir Anthony Abell and Sir Roland Turnbull (knighted in 1956) to Singapore resume the discussions on the "closer association" plan. They came up with a new proposal to bring the territories closer together. As a first step Brunei was to be separated from Sarawak. This decision was taken because they believed that the proposal for "closer association" would not commend itself to the Sultan of Brunei unless an assurance could be given to him that the complete separation of his Sultanate from Sarawak would be effected. Then the three territories would come under a single administrative head. The new administrative head would exercise the functions of the Governor in Sarawak and North Borneo and would hold the post of High Commissioner in Brunei. He would sit as the permanent Chairman of a Joint Executive Council consisting of Officials and Unofficial members of Legislatures from the three territories, which

²²*Ibid.*

²³*Ibid.*

would make policy decisions in regard to a limited number of subjects such as defence and external relations, and any other subjects which the three countries considered were appropriate to its functions.²⁴ Sir Anthony Abell suggested the new head should be stationed in Brunei but Sir Robert Scott proposed making Labuan the Federal Territory where the new head would have his headquarters, served by a suitable Federal secretariat. The Island would in due course be returned to Brunei, subject to account being taken of the wishes of the inhabitants and to the solution of the problem of citizenship.²⁵

The agreement to bring the three territories into a single administrative head was an important shift of policy on the part of Sir Anthony Abell who had refused to consider such a proposal previously. He was concerned with the political developments in Malaya and Singapore, noting that:

"politicians in both the Federation and Singapore have shown considerable interest in the Borneo territories; its empty spaces, its potential wealth, and its oil are all considerable attractions, and I feel it is probably only a matter of time before Indonesia also gives us more attention".²⁶

His conclusions may have been influenced by the formation, in January 1956, of a Malayan branch of the Partai Rakyat in Brunei, the PRB, with pro-Indonesian leanings. The Party's left-wing ideology and rabid anti-colonialist attitude he feared would be a threat to the British connection and interests in the State and in the Borneo

²⁴CO 1030/164, item 38, Sir Anthony Abell to Colonial Office, 6 April 1956.

²⁵CO 1030/164, item 42, Assistant Commissioner-General to Secretary of State for the Colonies, 5 June 1956.

²⁶CO 1030/164, item 38, Sir Anthony Abell to Colonial office, 6 April 1956.

territories as a whole. In the circumstances it is plausible that the British authorities in Brunei may have been behind the royal proclamation of 8 March 1956 which stated that neither the Sultan nor his Government had ever contemplated, or wished, to unite or federate the State of Brunei with any other State. The proclamation was reported as a response by the Sultan to the claim that he supported and approved the formation of the PRB.²⁷ After the proclamation Sir Anthony Abell told the Colonial Office that:

"the Sultan and public opinion in Brunei at one time probably favoured a closer political relationship with the Federation of Malaya, [but] recently this feeling has changed to one of fear and hostility towards the march of events in Singapore and the Federation. The average citizen of Brunei is very anxious to preserve his monarchy and the integrity of his Islamic State".²⁸

Nevertheless Sir Anthony Abell believed that if the single administrative head was stationed in Brunei territory, and if an assurance was given that there was no intention of developing the Borneo Council into a full federation which would reduce the Sultan's sovereignty in his State and distribute his wealth, he said, he had hopes that the Sultan would agree to such arrangement. In order to support the new proposal for the "close association", Sir Anthony Abell permitted the PRB to open branches in Sarawak and asked the Party to do the same in North Borneo. But the plan to make the PRB as a pan-Bornean Party was snubbed by the Sultan when he questioned the British Resident on why the PRB was to be allowed to conduct its activities in the two Borneo States but not in Malaya and Singapore.²⁹

²⁷See above pages 129-130.

²⁸CO 1030/164, item 38, High Commissioner to Colonial Office, 6 April 1956.

²⁹See page 130.

The Colonial Office was not entirely happy with the new "closer association" proposals. It feared that the proposals to bring the three territories under an administrative head who would be the High Commissioner of Brunei would be regarded by North Borneo and Sarawak as down-grading of the two Colonies. As an alternative the Colonial Office suggested that North Borneo and Sarawak should each retain its Governor, and Brunei should have a separate High Commissioner as well as the British Resident. The High Commissioner for Brunei would be the permanent Chairman of the Borneo Joint Council.³⁰ He would have a small secretariat in Labuan under his direction dealing with business assigned to the Council by the three territories such matters connected with joint Departments e.g. the Judiciary, Geological Survey, Aviation, Telecommunications etc. and matters relating to external affairs, defence and internal security. He would also take over from the Commissioner General the responsibilities for co-ordination in the Borneo area. He might also be responsible for the administration of Labuan. However, although the seat for the High Commissioner for Brunei was in Labuan, there was to be no commitment to the Sultan's claim to the island.³¹

Further, the Colonial Office insisted that the new Brunei Constitution should be fully in operation before the changes took place. The Sultan was to be assured that there was no intention of imposing a Federation against his will.³² In August 1956 the

³⁰CO 1030/164, item 46, Note of discussion between Sir Anthony Abell and the Colonial Office officials on the Borneo closer association, 22 June 1956.

³¹CO 1030/164, item 50, Note of meeting between Sir Robert Scott, Sir Anthony Abell and the Colonial Office officials on 26 July 1956.

³²*Ibid.*

Secretary of State authorised Sir Anthony Abell to approach the Sultan on the lines proposed.³³ However the approach was not made because of criticism by Sir Roland Turnbull and second thoughts on the part of Sir Anthony Abell. The Governor of North Borneo, who believed that North Borneo opinion would favour the creation of central authority with effective organs wielding substantial powers, gave the Colonial Office's proposals an "entirely unfavourable" reaction. He criticised the proposal for the appointment of a High Commissioner on top of the two Governors as unpracticable and extravagant. He believed the appointment, far from promoting the cause of "closer association" in North Borneo, might provoke a cynical reaction against the whole idea.³⁴

On the other hand, Sir Anthony Abell told Sir Robert Scott that he did not feel he could go to the Sultan, to discuss a matter of such vital importance before they had even made up their own minds. He preferred to await a decision on the status and future of Labuan which was still under discussion. He hoped that Labuan would be restored to Brunei because it would be "a great bargaining point" if they wished the Sultan of Brunei to join a union or federation of any kind. Sir Anthony Abell believed the Sultan would be tempted by such an offer; but unless he had that, or the offer of the separation of Brunei from Sarawak and a new agreement with the British Government, he was empty-handed. He believed that to discuss "closer association" with the Sultan at that time would only invite unpopularity in Brunei.³⁵

³³CO 1030/164, item 51, Secretary of State to High Commissioner, 9 August 1956.

³⁴CO 1030/164, item 52, Sir Roland Turnbull to Colonial Office, 1 September 1956. See also *Ibid.*, item 41, Sir Roland Turnbull to Secretary of State, 4 June 1956.

³⁵CO 1030/164, item 56, Sir Anthony Abell to Sir Robert Scott, 15 October 1956.

As a result of these developments, in January 1957 Sir Robert Scott, Sir Anthony Abell and Sir Roland Turnbull sent a joint memorandum to the Colonial Office. They urged the Colonial Office to bring about "closer association" of the three Borneo territories without delay, by means of "a bolder and more radical approach".³⁶ They highlighted the dangers if the territories were not brought together soon. In Brunei they saw the threat as coming from the extreme Malay nationalism embodied in the PRB which, they said, was being encouraged by left-wing elements both inside and outside the country. They believed:

"if unchecked it will develop into a rabid opposition to the Monarchy and to the British connection, and it could bring about the overthrow of the Sultanate, with grave prejudice to the whole stability of the State including the security of the oilfield at Seria".³⁷

They also believed that after the Federation of Malaya became independent (on 31 August 1957) many in Brunei were bound to look more and more to Kuala Lumpur and in such circumstances the danger to Brunei could grow quickly under the pressure from "extremists" in the United Malay National Organisation (UMNO) for Brunei to be given independence. The threat to Sarawak, they believed, arose from Communist subversion among the Chinese who had long been influenced by events in Singapore; and if the State was left to itself the Communist influence would be increased, and eventually turned it into a Communist territory. In North Borneo, although there were no Malay extremists and Communist threats, they feared Muslim pressures from

³⁶CO 1030/556, item 1, Sir Robert Scott to Colonial Office, 25 January 1957.

³⁷Memorandum on the Future of the Borneo Territories, enclosure in CO 1030/556, item 1, Sir Robert Scott to Colonial Office, 25 January 1957.

Brunei, Indonesia and Malaya "could readily develop and would provoke a hostile reaction in the Philippines, where there was already considerable anxiety that North Borneo should progress as a Christian rather than a Muslim Country".³⁸ Finally they believed that the Borneo territories as a whole were bound to become "the target of Indonesia irredentism and of other pressures".³⁹

They felt the remedy to these problems was to encourage the territories to enter into some form of political association. By doing so they believed the political pressures operating in the territories, especially in Brunei and Sarawak, would be less potent in the wider framework of the associated territories. Besides, they recognised that the Borneo territories had

"great potential advantage for purposes of defence if it were thought desirable to take some of our eggs out of the Malayan basket; and we could not but suffer heavily in pocket and prestige if Borneo territories became fresh scenes of political conflict and economic instability. For these and other reasons it is as much in the interests of the United Kingdom as of the Borneo territories themselves that they could enter into that political association in partnership with the U.K. without which their future security and prosperity cannot be assured".⁴⁰

Earlier Sir Robert Scott warned the Secretary of State for the Colonies that if they were not careful in handling Brunei that they were would "lose control over the

³⁸*Ibid.*

³⁹*Ibid.*

⁴⁰*Ibid.*

biggest single source of dollars in the sterling area and grave effects of this on the United Kingdom economy will be felt in the years to come".⁴¹

In order to bring about "closer association" they recommended a package of proposals incorporating three fundamental principles: firstly, the territories should entrust to a central authority sole responsibility for dealing with certain agreed subjects; secondly, the political goal for the territories should be democratic local government, with the Queen as Constitutional monarch in North Borneo and Sarawak and the Sultan in Brunei; and finally, partnership with the United Kingdom should be openly accepted as an arrangement of indefinite duration. In order to put their plans into effect they proposed that:

- (a) Brunei should be wholly separated from Sarawak.
- (b) A new treaty with the Sultan guaranteeing United Kingdom support for his State and House.
- (c) Sovereignty over Labuan should be transferred from North Borneo to the Sultan of Brunei, with safeguards to protect its economic development and potentialities for defence.
- (d) There should be a High Commissioner for the three territories in association. He would ordinarily reside in Labuan and would be responsible for dealing with all centralised subjects. In this he would be assisted by an Advisory Council of representatives of the three territories.
- (e) In Brunei there should continue to be a British Resident but in North Borneo and Sarawak the Governors should become Lieutenant-Governors. They would normally preside over their Executive and Legislative Councils but

⁴¹CO 1030/164, item 37, Sir Robert Scott to Secretary of State, 18 February 1956.

the High Commissioner would do so if those Councils met while he was in either territory.⁴²

Sir Robert Scott recommended that these proposals be considered without delay. He disagreed that no steps should be taken towards "closer association" until the new Constitution for Brunei had been accepted. In fact he believed that an agreement on a plan for "closer association" might improve the chances of a new Constitution being accepted. He warned the Colonial Office that unless the territories were brought together firmly without delay they would drift apart: "North Borneo looking to Hong Kong, China and the Philippines; Brunei looking to the Federation of Malaya; and Sarawak to Singapore". He was satisfied that the proposals he submitted were the best hope of giving the Borneo territories ten or twenty years of healthy growth and consolidation and which served the long terms interests of Britain and the Commonwealth.⁴³

Sir Robert Scott recommended that Sir Anthony Abell should be authorised to discuss a scheme on the lines of the plan in confidence with the Sultan. If that discussion was successful the Governors of North Borneo and Sarawak should then proceed to informal consultations with their officials and advisers. If there was agreement a full scheme should be drawn up by means of a conference of representatives of all three territories and of the United Kingdom.⁴⁴

⁴²Memorandum ...

⁴³CO 1030/556, item 1, Commissioner-General to Colonial Office, 25 January 1957.

⁴⁴Memorandum ...

Although the Secretary of State agreed in principle to the proposals, he was unhappy with some of their features. He felt that the declaration of the principle of partnership with the United Kingdom in indefinite duration might be interpreted to mean that the British Government had abandoned its general policy of leading the dependent territories step by step towards full self-government. He believed that such a declaration would be criticised both in Britain and in the territories. He said: "it would not only arouse anti-colonialist criticism and opposition, but might well fan the flames of extreme nationalism in Borneo territories themselves".⁴⁵ Further he believed the promotion of representative government in the territories would lead to demand for the democratic principle in the central Advisory Council of the three territories. He said: "Once the central authority came in practice to be exercise with or through a central elective assembly, it would be a short and seemingly inevitable step to the now almost traditional demand for full-self-government and independence".⁴⁶ The Secretary of State was also not happy with the proposal to lower the status of North Borneo and Sarawak in relation to Brunei because he believed it would arouse widespread resentment, especially among the Malays and Dayaks in Sarawak: "who cannot but be rightly proud of their independent history between 1841 and 1946." He believed the proposal might mitigate against the whole scheme. He suggested they adopt some other nomenclature. He also did not like the proposal to hand over the sovereignty of Labuan to the Sultan of Brunei. He was

⁴⁵CO 1030/556, item 8, Secretary of State for the Colonies to Acting Commissioner-General, 14 March 1957.

⁴⁶*Ibid.*

doubtful of the reception Parliament might accord to the proposal, which could be represented as

"the retrocession of part of the Queen's dominions, with its inhabitants, its defence and economic potentialities, with its sole trunk-route airport in the area, to the sovereignty of a Government having no representative constitution and of unproven efficiency and stability".⁴⁷

Further with regard to the draft of the new treaty with Brunei, he noted that in respect of internal administration and by its provision for the introduction of the *Menteri Besar*, in place of the British Resident the "degree of close tutelage over the Sultan diminished". The Secretary of State suggested that instead of offering Labuan to the Sultan as the price of his agreement to the "closer association",

"it might be made plain, in presenting to him the proposals for closer association, that unless some such closer association is agreed and entered into as early as possible the survival of his House and Sultanate is unlikely to be prolonged".⁴⁸

The Commissioner-General and the two Governors did not think that the difficulties which the Secretary of State had raised were insuperable, and they believed they could be overcome within the broad ambit of their original proposals. However they refrained from any extensive examination of them at that stage. For them what was important was not to lose time in taking a decision to secure political association of the Borneo territories. They jointly urged the Colonial Office to authorise Sir

⁴⁷*Ibid.*

⁴⁸*Ibid.*

Anthony Abell to approach the Sultan and to indicate the limits within which he may manoeuvre when so doing.⁴⁹

In August 1957 the Secretary of State reluctantly authorised Sir Anthony Abell to approach the Sultan but he warned him that they should not appear to be making a public declaration of permanent dependence and making any commitment to the Sultan regarding Labuan.⁵⁰

4.3 The Partai Rakyat Brunei, the Brunei Shell Petroleum Company and the Sultan

While the proposals for the "closer association" of the Borneo territories were being considered by British officials the Partai Rakyat Brunei (PRB) was also formulating its own plans for bringing the three territories together. Being the only political party in British Borneo the PRB wanted to spread its influence over the whole area to bring the three territories together. As discussed in the previous chapter, in June 1956 the PRB proposed to Sir Anthony Abell that the Party be allowed to open branches in Sarawak and North Borneo and change its name to Partai Rakyat Kalimantan Utara or the People's Party of Northern Kalimantan.⁵¹ Although the High

⁴⁹CO 1030/556, item 22, Sir Anthony Abell, Sir Roland Turnbull and MacKintosh to Secretary of State, 18 July 1957.

⁵⁰CO 1030/556, item 26, Secretary of State to Sir Anthony Abell, 2 August 1957.

⁵¹Borneo Island is known as Kalimantan to Indonesian.

Commissioner was sympathetic, the Sultan refused to sanction to the registration of the Party unless it dropped its Pan Bornean objective.⁵²

In March 1957 the First Congress of the PRB adopted a resolution which called for the union of North Borneo, Brunei and Sarawak and the formation of the Negara Kesatuan Kalimantan Utara or Unitary States of Northern Kalimantan.⁵³ Although the PRB's proposals came at the time when the "closer association" of the Borneo territories were being considered, the British attempted to suppress them because they feared that such proposals might mitigate against their own proposals. Unlike the British proposals, the PRB's proposals were based on historical and traditional roots, which meant the three Borneo territories were to be united under Brunei suzerainty with the Sultan of Brunei as the constitutional head.⁵⁴ The British would never agreed to such proposals, not even Sir Roland Turnbull, who favoured the amalgamation of the three Borneo territories. Thus when the PRB engaged Raeburn to draft its Constitutional Memorandum in June 1957, the British advised him to persuade the Party to defer its plan for the unification of the Borneo territories.⁵⁵

On the other hand, the PRB's concept of Kalimantan Utara was attractive to some people in the three territories. In Brunei, at least, the people took pride in their past, in which the Sultanate of Brunei had held sway over a large area in the region including the two territories of North Borneo and Sarawak; and many of them believed

⁵²See pages 129-131.

⁵³See page 151.

⁵⁴Interview with Azahari, February 1993; *The Borneo Bulletin*, 6 and 13 April 1957.

⁵⁵CO 1030/464, item 8, Note of a Meeting between Reaburn and J.B Johnson at Colonial Office 30 May 1957.

that the wider Sultanate had been broken up as a result of European incursions.⁵⁶ The PRB's call for bringing North Borneo and Sarawak under Brunei suzerainty appealed to nationalists who saw it as a resurrection of the traditional Brunei Sultanate. In fact the Sultan's own Constitutional Advisory Committee, which was chaired by *Pengiran Maharaja Laila* (Third Minister and the Sultan's own cousin), recommended that if there should be a suggestion of uniting the three territories under a federation, Sarawak and North Borneo should be restored to Brunei because the Committee said the territories were historically "the property of the State and the Sultan of Brunei".⁵⁷ The Colonial Office was reluctant to pursue the "closer association" plan openly for fear that Sultan might opt for the PRB's formula and inadvertently help PRB's cause. However in North Borneo and Sarawak, the proposal was not seen as a resurrection of the Brunei empire. The memories of Brunei's harsh rule still existed among the people in the two territories. The concept of Kalimantan Utara based on a democratic platform appealed to progressive minds in the two territories.⁵⁸ Donald Stephen, a member of the North Borneo Legislative Council and the leader of the Kadazan Community, and Ong Khee Hui, the leader of the Chinese Community of Sarawak, worked closely with Azahari since the First Congress of the PRB (in March 1957), which they attended. As will be seen in Chapter 7 the two leaders formed a common front with Azahari to oppose the Malaysia Federation proposals in 1961 and were keen to accept a federation of the Borneo territories under the Sultan of Brunei.

⁵⁶Interviews with various PRB's members, January 1993 - May 1993.

⁵⁷See page 97.

⁵⁸Azahari said he fought hard to convince his Party to accept the multi-racial and multi-languages principles. Interview with Azahari, February 1993.

Although Kalimantan Utara seemed a plausible solution to bring the multi-racial and multi-language peoples of the Borneo territories closer together, the British were against the proposal. The last thing they wanted to see in the territories was the close identification of the PRB and the Chinese organisations in Sarawak. The PRB, which had leftist elements, and the Chinese Organisations, which were infiltrated by Communist elements, would inevitably endanger British interests in the three territories. Therefore so long the PRB was in a commanding position the Colonial Office had all sorts of reasons for not approving the proposals for "closer association" of the territories, despite strong recommendations from the British officials on the spot.

Unlike the Colonial Office, the British officials in the territories felt that since the PRB had openly advocated the Federation of Borneo territories, the Sultan was less likely to give favourable consideration. Furthermore, they believed that the Sultan "would certainly be still further ill-disposed to the project if he were to learn from *sources* other than Sir Anthony Abell that H.M.G. were contemplating it".⁵⁹ Although the *sources* were not specified, they seemed to refer to those people who had access to information in London even before it was made public. The most likely people who mingled with officials in London and had considerable interests in Brunei were the Brunei Shell Petroleum Company (BSPC). The Company was happy with the existing arrangement it had with the Sultan of Brunei. In 1954 the exclusive power to grant leases to oil exploration in the State had been transferred from the British Resident to the Sultan-in-Council. At the same time the Sultan appointed the BSPC's

⁵⁹CO 1030/556, item 22, MacKintosh, Sir Anthony Abell and Sir Roland Turnbull to the Secretary of State, 18 July 1957. Emphasis is mine.

local Manager as an Unofficial member of the State Council and thus was an "adviser" to the Sultan.⁶⁰ It was likely therefore, that the BSPC would have given the Sultan advice which was favourable to its industry.

The way in which British officials voiced their concerns showed that the Sultan might be exposed to advice against the idea of "closer association". There could be several reasons why the BSPC did not favour "closer association". One of them could be that "closer association" meant free movement of people within the territories which would bring undesirable problems such as communism, trade unionism, industrial relation, etc. from Sarawak to its industry. Besides, under a closer association the Company's influence on the Brunei Government may be marginalised by a supra-national central council. Therefore the BSPC preferred to maintain the status quo in the State which had worked to its advantage. In September 1958 Brunei extended its continental shelf boundaries separating the offshore areas of Brunei from North Borneo and Sarawak in which one of the richest offshore oilfield in the world, West Ampa, would be discovered in 1963.

When Sir Anthony Abell approached the Sultan to discuss the "closer association" proposals on 14 August 1957 the Sultan told him that he was not in favour of changing the existing arrangements which seemed to him to work effectively. Brunei was a protected State and he was satisfied that the British Government would continue to protect Brunei interests as it had in the past. As long as Britain remained as Brunei's protector and the Sultan hoped that their happy and friendly relationship would continue, he had no fear either of communism without, or

⁶⁰Unlike his predecessors Sultan Omar Ali Saifuddin took active role in the governing of his State.

subversion within his frontiers. He felt certain that Britain would continue to fulfil her obligations under the Treaty and afford his people the protection which they needed. He saw no reason to upset a happy arrangement which appeared to him to give perfectly adequate protection to his State in present circumstances.⁶¹

Such confident language was unlikely to have come from the Sultan's semi-illiterate advisers but from people who were conversant with legal matters and how the British minds worked. As long as the Protectorate Treaty existed the Sultan need not worry about the security of his State because the Treaty guaranteed the Sultan protection of his State and his House. Moreover because of their economic and strategic interests the British would not neglect Brunei's security. Nevertheless the Sultan was aware that under the Treaty he had an obligation "to accept and to act upon" the British advice on all questions in Brunei other than those affecting Islam. When the Sultan met the Secretary of State in London in September 1957 he asked for clarification on whether he would be forced to adopt proposals which the British Government favoured by the use of the advice clause in the Agreement. The Secretary of State told him that "the advice clause had never been forced on Brunei in the fifty years the present Treaty had been in existence" and added: "In any event, "closer association" if it were to be effective must spring from a willing agreement between the three territories concerned".⁶² These statements sealed the end of "closer association" as far as the Sultan was concerned.

⁶¹CO 1030/556, item 30, High Commissioner to Secretary of State, 16 August 1957.

⁶²CO 1030/556, item E/2, Note of Meeting between the Secretary of State for Colonies and His Highness the Sultan of Brunei at the Colonial Office on Monday 30 September 1957.

The Sultan did not see any advantage in joining its two neighbours. When he presented the proposals for "closer association" to the Sultan in August 1957, Sir Anthony Abell said the "closer association" was necessary for defence and trade, and essential to Brunei for development of her resources, for the labour for her oilfields and the police for her security.⁶³ Other than the security which had been and would be provided by the British under the Treaty obligations there had been no problems with labour for her oil industry. In fact the people in Brunei had been complaining of an influx of foreign labour which caused unemployment in the State, as illustrated in the report of the Constitutional Advisory Committee in 1954. Brunei's trade with the two territories was virtually nil other than its oil being refined in Lutong (Sarawak) which many people in Brunei believed cost the State enormously in revenue.⁶⁴ In fact a paper on "Economic Aspects of Closer Association of the British Borneo", prepared by the office of the Commissioner-General, pointed out that "apart from the petroleum industry, the economies of the three territories are roughly similar".⁶⁵

Furthermore there was no concessions which would attract the Sultan and the people of Brunei, such as the transfer of Labuan or the Fifth Division of Sarawak to Brunei or raising his status by making him the head of all Muslims in the territories, or extending his influence throughout the territories, as had been proposed by MacDonald. The only concession actually offered by Sir Anthony Abell was that Brunei would be separated from Sarawak i.e. the High Commissioner for Brunei

⁶³CO 1030/556, item 30, High Commissioner to Secretary of State for the Colonies, 16 August 1957.

⁶⁴See CO 1030/113, item 10, Constitutional Advisory Committee's Report, Part H, Paragraph X.

⁶⁵CO 1030/556, item 58, MacKintosh to the Colonial Office, 25 October 1957.

would be no longer the Governor of Sarawak. But he would be the permanent Chairman of the Central Council of the proposed association. As far as the Sultan was concerned the arrangement did not make Brunei any more independent than it was at the time. Probably for this reason that during his discussion with Sir Anthony Abell the Sultan insisted that

"before any other business he first wished to have settled the important and urgent matter of the replacement of the British Resident by a *Menteri Besar* and appointment of various other State Officers envisaged by the Constitution".⁶⁶

In fact for the first time the Sultan insisted on the abolition of the office of the British Resident and its replacement with the office of *Menteri Besar* to be made simultaneously with the introduction of the Constitution.

A few days after Sir Anthony Abell's frustrating discussion, the Sultan invited Sir Roland Turnbull, to hear if there were any new offers on the table. The only new thing Sir Roland Turnbull could say was about "world political trends", which he used to support the proposal for "closer association". Naturally the Sultan was no more enthusiastic than when he met Sir Anthony Abell. However, either to hide his embarrassment from the Colonial Office for his failure to secure the Sultan's agreement or his failure to appreciate the Sultan's polite smiles and words, Sir Roland Turnbull reported:

"It was clear that the Sultan was now prepared to entertain idea of closer political association, and he seemed particularly impressed by possible advantage to Brunei of making arrangements for internal security the

⁶⁶CO 1030/556, item 30, Sir Anthony Abell to Secretary of State, 16 August 1957.

responsibility of Central Council".⁶⁷

But at the same time Sir Roland Turnbull said the Sultan hesitated to give his reply forthwith because the "subject was so new to him, and so weighty".⁶⁸

In London the Colonial Office officials drew up a list of advantages of the "closer association" to be presented to the Sultan when he came to London in September 1957 for talks with the Secretary of State. The Colonial Office was to argue that a closer association would be beneficial to Brunei in respect of internal security as well as external defence. Further the pooling of resources of the Judiciary, Geological and Survey Departments as well as the Postal, Telecommunications, Broadcasting, Civil Aviation and others would increase the efficiency of these services.⁶⁹ When these points were put to the Sultan he remained unmoved because none were new to him. Even when Lennox-Boyd assured him that the proposals would not in any way depress the status of Brunei as a "Malay Islamic Sultanate", the Sultan remained adamant. When the Secretary of State suggested that the proposals be discussed publicly in the three territories, the Sultan said he preferred that the two Governors should first discuss the matter between themselves and that any question which affected Brunei should be referred to him so that he could consult his advisers

⁶⁷CO 11030/556, item 31, Sir Roland Turnbull to the Secretary of State, 22 August 1957.

⁶⁸*Ibid.*

⁶⁹CO 1030/556, item 35, "Note on Points for meeting with Sultan of Brunei on 11.9.1957".

privately. Meanwhile, he insisted, there should be "no public discussion in Brunei, nor any public reference to his having been consulted".⁷⁰

In urging acceptance of the proposals the Secretary of State reminded the Sultan that the PRB had pronounced in favour of "closer association", adding "no one wanted them to get all the credit". But the Sultan insisted that discussions should be confined to North Borneo and Sarawak only until the people in Brunei (other than the members of the PRB) had expressed a wish to be included in the discussions. The Sultan said as far he knew, he had not heard of a desire in Brunei to examine the question. After further unfruitful discussions the Secretary of State proposed an exchange of letters between himself and the Sultan referring to the intention that talks between the two Governors should be started at once and this was agreed.⁷¹

The Sultan's anxiety was understandable. In all the discussions he had with the British officials both in Brunei and in London there was no mention of the future of Brunei's oil revenue. There was also no mention of the future of his position, and that of his Sultanate, other than an assurance of preserving its Malay Islamic identity. As far as the Sultan was concerned, "closer association" meant that Brunei would be under the power of central authority which would prejudice its sovereignty and his position. Although it was explained to him that the power of the Central Council would only relate to security, defence and agreed subjects, its inter-territorial character meant Brunei's voice would be submerged by the other two territories. In effect it also meant Brunei's position as an independent State under the protection of the

⁷⁰CO 1030/556, item E/2, "Note of Meeting between Secretary of State for Colonies and H.H.Sultan of Brunei held at the Colonial Office on Monday 30 September 1957".

⁷¹*Ibid.*

British would be downgraded to that of the two Colonies. In the circumstances the "closer association" proposals were neither attractive to the Sultan nor to his traditional advisers.

4.4 Public Discussion in North Borneo and Sarawak

On 4 December 1957 the British Cabinet approved the proposals for "closer association" of the three British Borneo territories.⁷² Following this approval Lennox-Boyd on 19 December, instructed the initiation of public discussion in North Borneo and Sarawak of "desirability of some form of closer association of Borneo Territories". However he wanted the discussion to be about "closer association" of all the three territories, not merely of Sarawak and North Borneo. The Secretary of State told Sir Robert Scott that discussion was to be exploratory and that no firm decision should be reached without further consultation with him.⁷³ On the same day Lennox-Boyd wrote to the Sultan to persuade him to allow Brunei to be included in the discussion.⁷⁴ Two weeks later Sir Anthony Abell made another approach to the Sultan and urged him to reconsider his decision.⁷⁵ But the Sultan remained adamant. Giving the same

⁷²CO 1030/556, item 77, Extract from Minutes of a Meeting of the Colonial Policy Committee, held on 4 December 1957.

⁷³CO 1030/556, item 79/81, Secretary of State to the Commissioner-General, 19 December 1957.

⁷⁴CO 1030/556, item 78, Secretary of State to Sultan, 19 December 1957.

⁷⁵CO 1030/557, item 85 A, Sir Anthony Abell to Colonial Office, 25 January 1958.

reasons to Sir Anthony Abell, the Sultan told Lennox-Boyd:

"I hope you will agree and appreciate that without knowing the exact details of the form or nature of the proposed closer association, other than the question of external, defence and internal security which, in fact, has already been provided in the existing Agreement or Treaty, it is extremely difficult for me, at the present juncture, to express any further views or to make any comments or to commit myself and my people, on the proposal".⁷⁶

Following this the Governor of North Borneo and the Governor of Sarawak made simultaneous radio broadcasts on the "closer association" proposal in their respective States on the evening of 7 February 1958.⁷⁷

There were different reactions in the three territories. In Sarawak formal discussions were held in all District and Municipal Councils, in Divisional Advisory Councils, and in many Chambers of Commerce, and speeches were made in the Legislative Council, but no resolution was proposed and no conclusion reached. There were also informal discussions and debates among the general public. From the outset the Chinese population was clearly and actively in favour of "closer association". They believed that it would bring greater opportunities for trade and the process of self-government would be accelerated thereby and, being more advanced in education, many of the jobs held by expatriate officers would go to them. The native community, although supportive of the proposal in principle, were suspicious of Chinese motives. They were particularly conscious of the fact that they were

⁷⁶CO 1030/557, item 85 B, Sultan to Secretary of State, 30 January 1958.

⁷⁷The Governors' speech texts were in CO 1030/557, item 83, Sir Roland Turnbull to Colonial Office, 31 January 1957 and CO 1030/557, item 84, Sir Anthony Abell to Colonial Office, 1 February 1958.

educationally and economically in no position to compete with the Chinese for jobs either in Government or in Commerce. They were only prepared to give their support on condition that their interests were safeguarded.⁷⁸

In North Borneo the proposals were discussed throughout the State at special meetings of district councils, local authorities, Chambers of Commerce and other associations. The response was generally favourable. The State Legislative Council unanimously recommended that the agreement of Brunei and Sarawak be sought for joint examination of the proposals.⁷⁹ In May 1958 Sir Roland Turnbull wrote to the Sultan regarding the decision of his Legislative Council and urged him to take part. But the Sultan refused and said: "before I receive a clear explanation and advice from the Secretary of State, I regret I shall not be in a position to give an opinion on this topic".⁸⁰

In Brunei no announcements were made. *The Borneo Bulletin*, on 15 February 1958 reported that "its informants close to the Government revealed that the State Council almost to a man was opposed to any form of federation with other territories". Despite this unfavourable reception the British officials remained optimistic. After chairing the ninth Inter-Territorial Conference held in Brunei in early April, Sir Robert Scott said that the Inter-Territorial Conferences, held every six months in each State capital, pointed the way to some form of closer political association of the three territories.⁸¹ But this hope was dashed by the Sultan's annual *Hari Raya* speech to the

⁷⁸CO 1030/557, item 145, Sir Anthony Abell to Secretary of State, 4 June 1958.

⁷⁹CO 1030/557, Sir Roland Turnbull to Sir Anthony Abell, 17 April 1958.

⁸⁰CO 1030/557, item 144, Sultan of Brunei to Sir Roland Turnbull, 13 May 1958.

⁸¹*The Borneo Bulletin*, 5 April 1958.

nation two weeks later in which he said that the conferences did not mean that the three territories would become a federation. Stressing that Brunei was not a colony, he wanted his people to preserve the country's position with patience and determination so that the state would progress even further.⁸² The speech was intended to calm many of his traditional advisers who were anxious that "closer association" would be forced on Brunei. In a State Council meeting in early May 1958, three members of the Council, Marsal bin Maun, Pengiran Ali and Pehin Laksamana, suggested that Brunei should withdraw from the Inter-Territorial Conference because it "gave no definite benefit to the State".⁸³ Although the Sultan deferred a decision on the matter, it was apparent that the Conference held in the State would be the last Inter-Territorial Conference he would attend.

In June 1958 Sir Anthony Abell informed the Secretary of State that there were indications that the Government of Brunei would reject every proposal for a closer association and would actively pursue a policy of exclusiveness in Borneo and of increased affiliation with the Federation of Malaya. He said the Sultan appeared determined to show that he would have nothing to do with the proposal and was trying to reduce the area of co-operation and consultation between the territories. He was doubtful if there were many Brunei Malays who saw any great advantage in a "closer association" with Sarawak and North Borneo. In his opinion, there was no likelihood of Brunei taking part in discussions on the subject. He concluded that North Borneo

⁸²*The Borneo Bulletin*, 26 April 1958.

⁸³BA/2017/1983, (BRO 46/52), Minutes of the State Council Meeting held on 7 May 1958. In an interview (April 1993) Dato Marsal said once he reminded the Sultan that Brunei had only one voice against two from the other two territories, and therefore the Inter-Territorial Conferences eventually worked against the interest of the State.

and Sarawak should work towards an agreement to "share a central office the head of which would be the High Commissioner for Brunei and endeavour thereby to keep the policies of the three territories in line".⁸⁴

Despite the pessimistic view of Sir Anthony Abell, Sir Roland Turnbull wanted to go ahead with the plans for "closer association". In a letter to the Colonial Office in August he suggested that North Borneo and Sarawak should hold a meeting of representatives from both territories to discuss and examine the implications of the "closer association" proposals made by the two Governors. He hoped the discussions would produce a plan that could be presented to the Sultan and the Government of Brunei for their consideration, since the Sultan had said that he would not be able to participate until a plan was put before him.⁸⁵

In September 1958 the Secretary of State agreed to Sir Roland Turnbull's proposals on the conditions that it was confined to consideration of proposals for "closer association" of Sarawak and North Borneo only. Lennox-Boyd told Governor of North Borneo that he did not wish "any pressure put on the Sultan at present to participate in the examination", and he thought it would be unwise that the representatives should visit Brunei during their tour of North Borneo and Sarawak.⁸⁶

However Angus MacKintosh, the Acting Commissioner-General, disagreed with Lennox-Boyd's opinion that the discussions should exclude Brunei. He believed that they should fall back only if the Sultan was not moved from his adamant position after

⁸⁴CO 1030/557, item 145, Sir Anthony Abell to Secretary of State, 4 June 1958.

⁸⁵CO 1030/558, item 160, Sir Roland Turnbull to Colonial Office, 19 August 1958.

⁸⁶CO 1030/558, item 161, Secretary of State to Sir Roland Turnbull, 10 September 1958.

a concrete plan was laid before him. To improve the prospects of "closer association" he proposed that Brunei should be detached from Sarawak "with the least possible delay". He had gained a clear impression from his visits to Brunei that the Sarawak connection was steadily becoming distasteful to the Sultan, the State Council and Brunei opinion generally. He noted:

"In my view total separation from Sarawak would almost at once create a different and much more healthy atmosphere inside Brunei and in her attitude to her neighbours and would greatly facilitate progress in reaching agreement upon a new constitution for the State and in promoting co-operation between it and its neighbours both in day-to-day matters of routine and in the context of such special major issues as closer association".⁸⁷

Although Sir Anthony Abell did not believe that the separation of Brunei and Sarawak would affect the plans for "closer association" he did not believe the Sultan had "any intention now or in the future of a working relationship with his neighbours." However he admitted that there was no chance of an improvement in the position while the existing arrangements stood but he said there was perhaps "a faint chance" if change was made and the Sultan felt that he could negotiate from a position of independence. If a change was to be made he suggested that the Sultan should be told about it from the beginning.⁸⁸ But the suggestion to separate Brunei was not considered by the Colonial Office until December 1958.⁸⁹ Meanwhile the Sultan had

⁸⁷CO 1030/558, item 167, A.M.MacKintosh to Secretary of State for Colonies, 4 October 1958.

⁸⁸CO 1030/558, item 169, Sir Anthony Abell to Colonial Office, 24 October 1958.

⁸⁹CO 1030/557, item 169, E.Melville to Sir Anthony Abell, 2 December 1958.

been building closer relations with the Federation of Malaya. During the opening of the grand Omar Ali Saifuddin Mosque in September 1958 an entourage of Malayan royalty and prominent politicians, including the Prime Minister - Tunku Abdul Rahman, were invited. The following month it was reported in the Singapore *Straits Times* that the Sultan had remarked that: "there are, and always have been, the strongest bonds of religion and race between the peoples of Brunei and the Federation of Malaya".⁹⁰ The paper said that many educated Bruneians favoured a "closer association" with Malaya, which had achieved independence, rather than with the two colonies of North Borneo and Sarawak, which would only delay Brunei's independence.⁹¹ These statements were denied by the Government of Brunei.⁹² But a week later, on 20 November 1958, the Brunei State Council approved a huge loan of \$100 million to the Federation. After announcing the terms of the loan, the Sultan said:

"On behalf of my people, I am happy to be able to offer this contribution to the happiness and prosperity of the people of the Federation of Malaya, a people who have so much in common with my people here in Brunei, not only in our religion, our customs and our language, but also in our way of life our ideals and our aspirations".⁹³

⁹⁰*Straits Times*, 20 October 1958.

⁹¹*Ibid.*

⁹²*The Borneo Bulletin*, 15 November 1958.

⁹³*The Borneo Bulletin*, 22 November 1958. This loan was an additional to forty million dollars given to the Federation in 1956.

This loan opened a close relationship between the Sultan and the leaders of Malaya, particularly Tunku Abdul Rahman and dampened further the prospects of Brunei joining the "closer association" of the Borneo territories. In January 1959 the Sultan declined an invitation to attend the Inter-Territorial Conference in Kuching.⁹⁴ For the rest of 1959 the Sultan's attention was focused on negotiations on the Brunei Constitution and consideration of the "closer association" was shelved until the promulgation of the Brunei Constitution. By that time, however, the Sultan had decided to reject the "closer association" plan and instead forged closer relations with Malaya. This consequently led to the abandonment of the Borneo proposals and the emergence of Malaysia Plan. Before examining Brunei's relations with Malaya the next chapter focuses on the constitutional negotiations which ended with promulgation of the Brunei Constitution.

⁹⁴*The Borneo Bulletin*, 31 January 1959.

CHAPTER 5

CONSTITUTIONAL NEGOTIATIONS 1958 - 1959

As soon as he published his draft Constitutional Enactment in August 1957 the Sultan invited the people to give their comments on the Constitution through their District Councils. As a result the four District Councils debated the draft Enactment and submitted their comments and proposed amendments to the Sultan towards the end of the year. The Partai Rakyat Brunei (PRB), having failed to persuade the Colonial Office to consider its constitutional proposal in September 1957, submitted its comments to the Government. After studying the various comments the Sultan discussed the draft Enactment in the State Council with the High Commissioner. There were several points on which the State Council and the High Commissioner disagreed, and the negotiations continued in London. This chapter examines the debates and discussions between the various interest groups at different stages of the constitutional negotiations.

5.1 The draft Constitution Enactment: Observations and Petition from the Partai Rakyat Brunei

In response to the Secretary of State's suggestion and the Sultan's invitation to his subjects to offer comments on his proposed Constitution Enactment, the PRB instructed its Constitutional Adviser, Walter Raeburn Q.C., to draw up a document which contained "Observations"- which were in fact criticisms - and a "Petition"

calling for a number of amendments. Under its "Observations" the PRB drew attention to the Sultan's intention to delegate to his subjects a share in the government of the State and in particular to the Sultan's desire to establish a Legislative Council. The Party felt that the proposed Constitution failed to achieve the intended reforms. It pointed out that the Sultan would retain his "autocratic powers" under the proposed Constitution. These included the right to appoint all the principal officers of State including the *Menteri Besar*, and all Official and Unofficial members of the Executive and Legislative Councils; the right to dismiss and suspend them from office; the right of holding the position of President of the Executive Council; the right to prevent the Executive Council from meeting; the right to veto any Bill passed by the Legislative Council and to override the Council should it fail to pass a Bill or carry a motion; and the right to prorogue the Legislative Council. The Party was critical of the provision for a wholly nominated Legislative Council to which the executive authority was not answerable. As a result it believed that there was no guarantee that the voice of the people would be heard. Although the Sultan had promised that there would be provisions for elections for District Councils the PRB did not believe that members of popular movements, who were considered as "opposition", would be selected for the Legislative Council.¹

Thus the PRB petitioned the Sultan to renounce in favour of his subjects all his "autocratic powers" and to provide for three-quarters of the Legislative Council to be directly elected by secret ballot based on adult male suffrage. It urged the Sultan to refrain from participating in the practical business of governing and to adopt the

¹ CO 1030/465, item E/90, Observations and Petition, Partai Rakyat Brunei; *The Borneo Bulletin*, 26 October 1957.

practices of the British Monarch who stood above and outside politics. In effect the PRB was demanding a democratic Constitution in which there would be an elected government and a Constitutional Monarch.²

The PRB's document was actually prepared in London immediately after the Party's *Merdeka* delegation in September 1957 failed to obtain the Colonial Office agreement to discuss its memorandum on constitutional changes in Brunei. The document was despatched to Brunei and submitted to the Sultan-in-Council towards the end of October 1957.³ As will be seen later in this Chapter there were no indications that the comments and petition from the PRB were taken into account during the Constitutional discussions both in Brunei and in London. This was because the PRB was in decline after the disastrous *Merdeka* Mission to London in September 1957.⁴ The failure of Azahari and his delegation to win any concessions from the British Government in London caused the support for the PRB to dwindle. In fact during the Second Congress of the Party in May 1958 some of the delegates criticised the leadership for spending a large amount of money for the trip and failing to inform the Party of the outcome of the trip.⁵

The failure of the *Merdeka* Mission had also caused a split in the leadership of the PRB. On his return from London, Azahari wanted to follow the advice of the Secretary of State to "continue to petition for constitutional changes in an orderly

²*Ibid.*

³*Ibid.*

⁴For discussion on the PRB's *Merdeka* Mission to London see Section 3.6.

⁵*The Borneo Bulletin*, 24 May 1958.

manner".⁶ But his deputy, Salleh bin Masri, wanted to adopt a more confrontational approach with the British authorities in Brunei.⁷ After the Colonial Office refused to entertain the Party's Memorandum for constitutional change in Brunei Salleh and the radical elements in the Party were convinced that the British would only listen to their demands if they were forced to do so. Consequently he planned to form a labour movement in Brunei through which strikes and unrest could be organised to hit the British interests particularly in the oil industry. However the British were not so concerned about Salleh because they believed that, unlike Azahari, he did not have the ability to gain State wide support.⁸ The activities of Salleh and his followers in the Party forced Azahari to withdraw from the forefront. In January 1958 Sir Anthony Abell reported to the Colonial Office:

"Azahari is completely deflated and admitted as much to me in an interview. He talks of giving up politics and concentrates on his various businesses which also do not prosper. His party has disintegrated to a great extent and I doubt if he could raise money or significant enthusiasm for any cause at the moment".⁹

In the circumstances there was no need for the British to pressure the Sultan to pay attention to the PRB's petition or to bring the Party in the Constitutional discussions. In fact the Party did not recover from the decline until early 1960s when the Malaysia issue was hotly debated in Brunei. Meanwhile the Party suffered further setbacks: in

⁶*The Borneo Bulletin*, 9 November 1957.

⁷CO 1030/658, item E/5, J.H.Ellis to Colonial Office, 2 December 1957.

⁸*Ibid.*

⁹CO 1030/557, item 43, Sir Anthony Abell to Colonial Office, 25 January 1958.

May 1958 seven of its leaders, including Azahari and Salleh, were prosecuted and fined twenty dollars each for failure to furnish particulars of the Party's accounts to the Registrar of Societies;¹⁰ and in July Salleh was sentenced to four months' imprisonment after being found guilty of perjury¹¹ which led to his resignation as the Vice President of the Party in October.¹²

5.2 The draft Constitution Enactment: Comments and amendments from District Councils

District Councils received the draft Constitution Enactment in September 1957. Although all the four District Councils discussed the Enactment only the Brunei/Muara District Council made substantial comments and proposed amendments to the draft Enactment. Nevertheless the District Councils were unanimous in demanding the appointments of a *Menteri Besar*, a State Secretary and a State Financial Officer, to be made upon the coming into force of the Constitution.¹³ The Brunei/Muara District Council, which had two former members of the Constitutional Committee, believed that it was important for the appointments of those principal officers to be made concurrently with the introduction of the Constitution "in the interests of the State of

¹⁰*The Borneo Bulletin*, 3 May 1958.

¹¹*Ibid.*, 12 July 1958.

¹²*Ibid.*, 4 October 1958.

¹³BA/0239/1986, BRO 860/57, Amendments to be made in the New Brunei Constitution, 1957.

Brunei as truly having a constitutional government".¹⁴ It also stressed that the person to be appointed a *Menteri Besar*, or a State Secretary or a State Financial Officer, had to be not only "a Malay professing the Muslim Religion and belonging to the Shafite Sect of that Religion", as provided in the draft Enactment, but specifically he must be "a true Brunei Malay". It defined "a true Brunei Malay" as "any member of the indigenous races, namely, Belait, Bisaya, Dusun, Kedayan, Murut, Malay and Tutong, who observes the customs traditionally practised in the State". If however, such a person was not available it wanted the Sultan to appoint "any other Malay" to the office provided that the person so appointed should declare himself to be a "Brunei subject". But meanwhile it wanted the "true Brunei Malay" who would succeed this office in future to be trained forthwith for the purpose.¹⁵

Unlike the PRB the District Councils made no complaint on the provision which made the Sultan the Head of the Executive and thus the President of the Executive Council. Nevertheless it tried to limit the autocratic powers of the Sultan provided in the proposed Enactment. For instance the Council stressed that "in the exercise of his powers and the performance of his duties the Sultan shall in all cases consult with the Executive Council". This also included the Sultan's power to appoint members of Public Service Commission and the power to appoint, transfer, promote, dismiss or exercise disciplinary control over public officers.¹⁶ In effect the Council

¹⁴BA/0239/1986, BRO 860/57, Chairman of the Brunei/Muara District Council to British Resident, 12 December 1957.

¹⁵*Ibid.*

¹⁶*Ibid.*

wanted the Sultan to be answerable to the Executive Council which was to be the highest authority in the State.

The District Councils challenged the provision which gave both the Sultan and the High Commissioner reserve powers on the passage of certain Bills in the Legislative Council. According to the proposed Enactment if the Sultan considered that it was expedient in the interests of public order, good faith or good government of the State, he could declare any Bill or motion a law even though the Legislative Council failed to pass it. For the same purpose he also could override any Bill or motion passed by the Council. These reserve powers of the Sultan might be exercised by the High Commissioner if the Bills or motions affected foreign relations, defence or internal security. The Council did not think this provision was necessary and recommended it to be deleted.¹⁷

Similarly the District Councils were not happy with the High Commissioner's reserve powers which prevented the Legislative Council from proceeding upon any Bill, motion or petition related to public revenue or public funds and suspending Standing Orders without prior approval from the High Commissioner. The Council demanded that the High Commissioner should record in writing his reasons whenever he refused to give his approval to such Bills or petitions, and that they should be referred back to the Legislative Council for reconsideration. In effect the Council did not want the decision of the High Commissioner to be final.

Although the Councils attempted to limit the autocratic powers of the Sultan, it did not demand an elected Legislative Council. It proposed that only a Brunei should be appointed as an Unofficial member of the Council and that a British Subject

¹⁷*Ibid.*

would only be appointed as an Official member. The Enactment on the other hand provided for a Brunei or a British Subject to become an Official or Unofficial member of the Legislative Council.

The District Councils proposed that Malay should be declared the Official Language of Brunei. Although the Council accepted that Bills introduced in the Legislative Council and Laws made under the Enactment should be printed in both Malay and English, where a dispute arises, over the correct interpretation, the Malay Text should be followed.¹⁸

5.3 Negotiations between the State Council, the Sultan and the High

Commissioner

In February 1958 the Sultan convened a Special State Council meeting to discuss his proposed draft Constitution Enactment. The High Commissioner, Sir Anthony Abell, who attended the meeting, wanted to discuss the proposed draft Agreement between Brunei and the United Kingdom before discussion the Constitution. But the majority Council members did not agree; they felt that the draft Constitution Enactment should be considered first in the light of comments made by the District Councils.¹⁹ They proposed to discuss the draft Agreement among

¹⁸*Ibid.*

¹⁹CO 1030/461, item E/56, Minutes of the Special State Council Meeting held in the Lapau on 24 and 25 February 1958. These Minutes, which were taken and signed by the British Resident, were sent to the Colonial Office on 4 August 1958 by the Sarawak Chief Secretary. In the cover letter accompanying the Minutes the Chief Secretary stated that: "High Commissioner has commented that he cannot unfortunately certify that they correctly represent all that passed at these meetings - for instance in nearly all cases his own remarks have been completely omitted - so he

themselves and with the Sultan first; then they would put forward another draft for consideration of the British Government. Despite Sir Anthony Abell's explanation that the draft Agreement (which had been drafted by his Legal Advisers and approved by the Colonial Office) was the document as agreed between him and the Sultan, the Council insisted that it should discuss the draft Agreement without the presence of the High Commissioner. The Council appointed three members: Pengiran Ali, Pengiran Yusuf and Marsal bin Maun to examine the draft Agreement, and to come up with a new draft.²⁰

In his report on the meeting above, which he sent to the Colonial Office in mid-April 1958, Sir Anthony Abell said:

"Gilbert [the British Resident] and I have spent many long and weary hours in the State Council trying to agree to a Constitution which will both work and be acceptable to our various interests. It has been hard and so far unrewarding work".²¹

The main issue discussed in the meeting was the appointment of a *Menteri Besar* and the abolition of the British Resident. The Sultan informed the State Council that he had discussed the matter with the Secretary of State in London and had pressed for the early appointment of a *Menteri Besar* but it had been agreed that six months after the Constitution was brought into effect the Sultan and the High Commissioner would

has not agreed the minutes, knowing that it would take as long as the original to obtain agreement. He adds in any event, he is not a member of the State Council and only addressed them at the invitation of His Highness". See: CO 1030/461, item 56, Sarawak Chief Secretary to E.Melville, 4 August 1959.

²⁰Pengiran Ali and Pengiran Yusuf were former members of the Constitutional Advisory Committee established in 1953.

²¹CO 1030/461, item 48, Sir Anthony Abell to Colonial Office, 15 April 1958.

make their recommendations for the appointment to the Secretary of State. The Sultan recommended the decision should be accepted by the Council and suggested that the person to be selected for appointment as the *Menteri Besar* should work with the British Resident as an understudy. Pengiran Ali, the Chairman of the Brunei/Muara District Council, stated that he would refer that Sultan's new proposal back to the members of his Council.²² In an attempt to persuade the Council to accept the Sultan's proposal Sir Anthony Abell explained that it was essential to have in existence a well tried and trusted administrative machine if the Constitution was to be given a fair chance to work smoothly and to prove that the people of Brunei could shoulder these responsibilities. Sir Anthony Abell offered to arrange as soon as possible for the training of candidates for the post of *Menteri Besar*. In the same report the High Commissioner told the Colonial Office:

"I believed at that time I had convinced them but I now hear that the Council have said that they will not agree to any Constitution or Treaty which contains reference to a British Resident. We must stand firm on this ground if we wish to see a stable and moderately efficient Government in Brunei and if we intend to make a democratic form of monarchy work".²³

Thus the Brunei/District Council had rejected the Sultan's recommendation and insisted for an appointment of the *Menteri Besar* being made with the introduction of the Constitution.

²²CO 1030/461, item E/56, Minutes of the Special State Council Meeting held on 24 and 25 February 1958.

²³CO 1030/461, item 48, Sir Anthony Abell to Wallace, 15 April 1958.

On the issue of the Sultan's powers provided in the proposed Enactment the State Council agreed to retain the definition of the "Sultan-in-Council" in the Enactment provided that the Sultan agreed to submit to the preview of Executive Council all his powers and authorities. But as far as the reserve powers of the High Commissioner were concerned they wanted all reference to them to be omitted from the draft Enactment.²⁴

The High Commissioner also had a tough time in reaching an agreement on the official language. The Council, which was dominated by non-English educated members, demanded that the official language throughout the State and in all Councils should be Malay and that no other language should be used officially. In his subsequent report to the Colonial Office on 9 May 1958 Sir Anthony Abell said that he and the Sultan had previously agreed that the new Interpretation Enactment, which would come into force with the Constitution should provide that Malay and English would be regarded as official languages for three years and that at the end of that period the matter would be reconsidered. Sir Anthony Abell said he did not mind Malay being declared the official language provided that English could be used and would prevail in proceedings before the High Court and in the legislation of the State and in the conduct of public business. At the end of the lengthy discussion the High Commissioner agreed in principle that the definition of "official language" should be inserted in the Enactment and he believed a compromise in the matter would be reached in time.²⁵

²⁴CO 1030/461, item , "Minutes of the Special State Council Meeting held on 24 and 25 February 1958"; See CO 1030/463, item 3, "Some Notes on Meeting at Istana Darul Hana on 27 October 1958: Points Provisionally Agreed".

²⁵CO 1030/461, item 50, Sir Anthony Abell to E.Melville, 9 May 1958.

Another important issue which generated into heated debate between the State Council and Sir Anthony Abell was that of the qualifications for the members of the Legislative Council. Although the members of the Council agreed to the High Commissioner's proposal that the Unofficial members of the Legislative Council should be elected, they disagreed that a non-Brunei should be qualified to be an Unofficial member. They insisted, being supported by the Sultan, that a British Citizen could only qualify to become an Official member of the Council. Sir Anthony Abell disagreed:

"This would have the effect of debarring all Chinese and Europeans from taking part in the work of District Councils and of election to the Legislature which would greatly restrict the choice of the electorate and deprive the Sultan of the advice and experience of a most important section of his subjects. It would virtually mean that no person in an executive capacity in the oilfields could take any part in local and central government. The discussion was long and heated but no compromise solution could be found".²⁶

Nevertheless he warned the Colonial Office that they might have to give way to the demand of the State Council in order to obtain Agreement, although he would deplore it.²⁷

On 9 April 1958 the Sultan chaired another special meeting of the State Council to discuss the new draft Agreement submitted by the Council. Although John Gilbert who was present during the meeting, raised some doubts against some points in their draft Agreement the majority of the members of the Council gave their

²⁶*Ibid.*

²⁷*Ibid.*

approval to the proposals.²⁸ Following this meeting the State Council's draft Agreement was submitted to Sir Anthony Abell, who did not attend the meeting, for his comment. The High Commissioner received the draft Agreement with disapproval, and on 9 May he informed the Colonial Office that he had written to the Sultan to seek elucidation on certain points found in the new Agreement.²⁹ The main point of contention was the omission of the British powers to make laws relating to internal security of Brunei. In his reply to Sir Anthony Abell's queries on 21 May the Sultan did not consider it necessary or appropriate that the Queen should make laws in Brunei affecting the internal affairs of the State. He said: "Since Brunei is recognised as an independent State and merely under the protection of Her Majesty's Government it is the right of the State to make rules and laws affecting internal affairs".³⁰ However the Sultan said there was no problem about the British Troops entering the State to protect the State of Brunei if it was attacked. The Sultan also pointed out that no such provision had appeared in the 1948 agreements with the Malay States.³¹ In fact earlier, in February, Sir Anthony Abell had been asked by the State Council to define the status of Brunei under the existing Agreements. He stated that Brunei was "a Sovereign independent state under the protection of Her Majesty's Government".³² Apparently it was for this reason that the State Council wanted to make the position

²⁸CO 1030/461, item E/56, Minutes of the Special State Council Meeting held in the Lapau on 9 April, 1958

²⁹CO 1030/461, item 50, Sir Anthony Abell to E.Melville, 9 May 1958.

³⁰CO 1030/461, item E/51, Sultan to High Commissioner, 21 May 1958.

³¹*Ibid.*

³²CO 1030/461, item E/56, Minutes of the Special Council Meeting held in the Lapau on 24 and 25 February, 1958.

of Brunei clearer in its new draft Agreement. It wanted to revoke the Agreement made in the year 1905-1906³³ and to add a clause which stated that:

"The sovereignty and powers of His Highness the Sultan of the State of Brunei shall be the sovereignty and powers owned by His Highness the Sultan of the State of Brunei on 17 September 1888, in accordance with this Agreement, and the State of Brunei is an Independent State, His Highness the Sultan will be the head of the ruling State and only under the protection of Her Majesty's Government".³⁴

In accordance with Brunei's status as an independent State under the protection of Britain, the State Council wanted to delete the High Commissioner's reserve powers and amend the advice clause in the draft Agreement to simply:

"His Highness agrees to accept any advice that is tendered to him by the High Commissioner on all matters connected with the betterment of administration of Brunei State, except relating to Muslim Religion and custom of the Malays, as practised in Brunei".³⁵

During the State Council meeting on 9 April Pengiran Ali was asked by the British Resident, to explain its meaning, he said:

"if the advice was in the opinion of His Highness to be beneficial to the State His Highness would act upon such advice. However if in the opinion of His Highness the advice would not be for the good of the State His Highness

³³CO 1030/463, item 8, State Council's Draft Agreement: Clause 17.

³⁴*Ibid.*, Clause 18.

³⁵*Ibid.*, Clause 7.

would not act upon such advice".³⁶

This was a contrast to the advice clause in the 1905/1906 Agreement when the advice of the British Resident "must be taken and acted upon on all questions in Brunei, other than those affecting the Mohammedan religion". Sir Anthony Abell said such provision was unacceptable because the Sultan could reject his advice at any time he considered it to unpalatable.³⁷

There was also a provision for the Sultan to communicate directly to the Queen through the Secretary of State if he decided not to accept the advice of the High Commissioner.³⁸ Sir Anthony Abell said such an arrangement was impracticable because he believed that many difficulties would arise and from time to time the business of government would be brought to a standstill. He told the Colonial Office: "I believe we must ensure as stable a government as possible while the oil lasts; we can only do this if the British element in the government is strong and has the power to act".³⁹ He insisted that the Agreement must contain reference to the British Resident or the British Adviser. Apparently the Sultan, under the pressure from his State Council, returned to the assumption that the post of the British Resident would cease to exist once the Constitution was approved. But the Sultan defended his decision by pointing out that there were no such definition in the State Agreements of the Malay States in 1948.⁴⁰ Sir Anthony Abell advised the Colonial Office that it was very

³⁶CO 1030/461, item E/56, Minutes of the Special State Council Meeting held on 9 April 1958.

³⁷CO 1030/461, item 51, Sir Anthony Abell to E.Melville, 5 June 1958.

³⁸CO 1030/463, item 8, State Council Draft Agreement, Clause 7.

³⁹CO 1030/461, item 51, Sir Anthony Abell to E.Melville, 5 June 1958.

⁴⁰CO 1030/461, item E/51, Sultan to High Commissioner, 21 May 1958.

necessary that they should not give way on this point. He said: "If the present State Council remains adamant we will have to redraft the Constitution to conform with the old agreements and hope that elections will in time produce a Council with a greater sense of balance and responsibility".⁴¹ Sir Anthony Abell could not hide his frustration at some members of the State Council whom he described as "stubbornly uncompromising". He added: "the ignorance and prejudice are of a depth and darkness which are never encountered in Sarawak".⁴² He asked the Colonial Office how far the British Government was willing to concede to the wishes of the State Council.

In July the Colonial Office asked the High Commissioner, in view of the Sultan's intransigence, whether British interests were really served by pushing ahead on the lines being pursued by him or whether at least for some time to come, the existing arrangements should be allowed to continue. But it told Sir Anthony Abell whatever moves he made should involve consideration of: "how much steam there is behind Azahari and his party, whether generated within Brunei or outside it, and also an assessment of local feeling on the question of ...*Menteri Besar*".⁴³ On the question of *Menteri Besar* the Colonial Office wanted to know whether there was any popular support for the Sultan or whether the pressure was simply from the Sultan himself and his immediate advisers.⁴⁴

⁴¹CO 1030/461, item 51, Sir Anthony Abell to E.Melville 5 June 1958.

⁴²CO 1030/461, item 48, Sir Anthony Abell to Wallace, 15 April 1958.

⁴³CO 1030/461, items 52, E.Melville to Sir Anthony Abell, 24 July 1958.

⁴⁴*Ibid.*

In response to the Colonial Office query at the end of July Sir Anthony Abell sent a paper entitled "A Brief Appreciation of the Political Situation in Brunei - June 1958" by E.R.Bevington. He thought it was a fair assessment of the situation in Brunei and he was generally in agreement with the author's views as to the root causes of the difficulties in the State.⁴⁵ Bevington, who was appointed as the State Commissioner of Development, blamed the members of the Malay Teachers Association (MTA) in the State Council for causing the difficulties. In his report to the Colonial Office earlier Sir Anthony Abell pin pointed three of them, two teachers, Pengiran Ali and Marsal bin Maun, and the State Information Officer, Pengiran Yusuf. He said: "These three gentlemen did most of the talking while the senior ministers remained in somnolent and apathetic silence only raising their hands to vote with the crowd".⁴⁶ Bevington said that these members of the MTA were often, although not always, the spokesmen of the Sultan in sessions of the State Council. He suspected that on many matters the Sultan and the three gentlemen met in advance and agreed on the action to be taken in Council.⁴⁷ In agreement with Bevington, Sir Anthony Abell blamed them for the demands for various amendments to the Constitution Enactment and Draft Agreement, and particularly in respect of the appointment of

⁴⁵CO 1030/658, item 11, Sir Anthony Abell to Wallace, 30 July 1958. E.R.Bevington arrived in Brunei in 1953 to take up a post of Commissioner Development, whose main task was to direct the One Hundred Million Dollars State Five-Year Development Plan which was launched in the same year. He left at the end of his contract in June 1958.

⁴⁶CO 1030/461, item 50, Sir Anthony Abell to E.Melville, 9 May 1958.

⁴⁷CO 1030/658, item E/11, "A Brief Appreciation of Political Situation in Brunei - June 1958, by E.R.Bevington".

Menteri Besar".⁴⁸ Bevington suggested that the Sultan, MTA and the PRB may have forged "a marriage of convenience" in order to achieve their immediate ends, which were "absolute control of Brunei by Brunei Malays with all others on sufferance". He believed that once they had that power, their individual manoeuvres for position could be resumed, "in an atmosphere free from interference by the British or anyone else".⁴⁹ In agreement with the assessment Sir Anthony Abell said: "I have no doubt at all that if it suited a group who felt sufficiently strong to do so they would without hesitation or regret remove the Sultan from his throne".⁵⁰ A Colonial Office Official said:

"It is not easy to see how this problem can best be sorted out. I cannot help feeling that it may prove disastrous just to let matters drift; and that there is much to be said for continued efforts to get a new Constitution introduced".⁵¹

In August the Colonial Office told Sir Anthony Abell that "there must be no weakening on the issues of the British Resident and a *Menteri Besar*".⁵²

In an attempt to sort out the problem Sir Anthony Abell withdrew Gilbert and replaced him with Dennis White as the British Resident in Brunei in mid-July 1958. Gilbert had been holding the office in Brunei since June 1953 but his relations with the Sultan had deteriorated. The Sultan in fact refused to attend various functions to mark the departure of the British Resident. The source of the problem is not clear but the deterioration of their relations began in November 1957. The Sultan was not

⁴⁸CO 1030/658, item 11, Sir Anthony Abell to Wallace, 30 July 1958.

⁴⁹CO 1030/658, item E/11, "A Brief Appreciation of Political Situation in Brunei-June 1958".

⁵⁰CO 1030/658, item 11, Sir Anthony Abell to Wallace, 30 July 1958.

⁵¹CO 1030/658, Minute to item 11 by H.Nield, 21 August 1958.

⁵²CO 1030/658, item 12, Wallace to Sir Anthony Abell, 26 August 1958.

happy when Gilbert announced elections for District Councils while the former was still in London. On his return the Sultan forced Gilbert to cancel it but at the same time he refused to take responsibility for the cancellation.⁵³

White had been briefly Acting British Resident in Brunei when Gilbert was on a six month leave in June 1956. Sir Anthony Abell hoped that the arrival of White would improve relations between the British Administration and the State Council. In fact he specifically asked White to do all he could "to woo the Sultan from the influence of the schoolmasters Marsal and Pengiran Ali".⁵⁴

In a further attempt to improve the situation in Brunei, Sir Anthony Abell sent a telegram to the Secretary of State in September 1958 proposing the introduction of the Brunei Nationality Enactment on the lines of the Kelantan Nationality Enactment of 1952. He believed that this would remove some of the misgivings of the Brunei State Council about the provisions of the Constitutional Enactment and facilitate progress in the negotiation of the Constitution.⁵⁵ However, the Colonial Office had serious reservations about the introduction of the Enactment. It feared that such legislation would further discriminate and exacerbate bitterness among the Chinese in Brunei after the State had passed the Immigration Enactment which came into effect on 1 July 1958.⁵⁶ Under the immigration legislation all non-Bruneis who had lived

⁵³The proposal for an election for the District Council by secret ballot was agreed by the Sultan in London. See page 164.

⁵⁴CO 1030/658, item 9, Sir Anthony Abell to Wallace, 21 July 1958.

⁵⁵CO 1030/461, item 59, Sir Anthony Abell to Secretary of State, 13 September 1958.

⁵⁶CO 1030/461, item 62, Secretary of State to High Commissioner, 24 September 1958 and also Minute by H.Nield, 16 September 1958.

in the State for seven years or more during the period between 1 July 1948 and 1 July 1958 were required to apply for residents' permits if they wished to take up residence in Brunei. However if they had lived in Brunei for less than seven years during the same period, they must apply for visitors' passes in order to remain in the State.⁵⁷ The Colonial Office feared that the introduction of the Nationality Enactment might lead to disturbing consequences, and would rather face "the possibility of some further delay in constitutional reform in the State" than difficulties as a result of such legislation.⁵⁸

But Sir Anthony Abell did not agree with the view of the Colonial Office. He said one of the difficulties in making the Brunei Constitution, and in the administration generally, was the increasing antipathy of Malays for Chinese. He told the Colonial Office: "

"In view of what has happened in Malaya and elsewhere since the war it is hardly surprising that Brunei is determined to contain what they regard as the greatest menace to their future as a Malay Islamic State. There will therefore be discrimination against the Chinese whatever we may do and neither their Protected Status or British Nationality is going to be of any assistance to them in the future in Brunei. I think therefore we should support the Sultan in his policy of opposition to Chinese expansion in hope that by so doing we are more likely to get reasonable terms for the Chinese now living in Brunei. As you say there has been some vociferous opposition to the recent Immigration

⁵⁷*The Borneo Bulletin*, 7 June 1958.

⁵⁸CO 1030/461, item 62, Secretary of State to High Commissioner, 24 September 1958.

Enactment but I believe the more thoughtful Chinese appreciate that in fact it is the best thing that has ever happened for them. A Residence Permit now gives them a status in the country for the first time and I would hope that in the future this permit, together with an oath of allegiance, might qualify the non-indigenous members of the community for Brunei citizenship".⁵⁹

The High Commissioner thought that the State Council would demand that the Constitution make it quite clear that the only people in Brunei with full rights of citizenship were the indigenous people, and those who were naturalised and took an oath of allegiance. He believed that if the British could give the Brunei Malays a sense of security from Chinese expansion the locally domiciled Chinese might be treated with more regard. Then legislation could be passed to enable domiciled non-Bruneis to become Brunei subjects and to enable them to take an active part in politics which he believed should remove racial bitterness. Therefore Sir Anthony Abell believed something on the lines of the Kelantan Nationality Enactment would be required in Brunei if the fears of the Malays were to be removed and the Constitution accepted.⁶⁰

On 3 November 1958, Sir Anthony Abell resumed negotiations with the Sultan and the State Council on the Brunei Constitution but the discussions was bogged down on the first item: the appointment of a *Menteri Besar*.⁶¹ Sir Anthony Abell told the State Council that the appointment of a *Menteri Besar* would not be considered until the new Constitution had been in force for a period. But the State Council refused to

⁵⁹CO 1030/462, item 63, Sir Anthony Abell to E.Melville, 6 October 1958.

⁶⁰*Ibid.*

⁶¹CO 1030/462, item 67, Sir Anthony Abell to E.Melville, 6 November 1958.

compromise on its demand that the post of the British Resident should be abolished and his powers be transferred to a *Menteri Besar* to be appointed simultaneously with the introduction of the Constitution.⁶²

When it appeared that a deadlock had been reached, Sir Anthony Abell put forward two proposals to the State Council, which he said, he would be prepared to recommend to the Secretary of State. The first proposal was that the Constitution should be published as soon as possible and a *Menteri Besar* should immediately start a period of training in the Resident's Office. The Constitution would be brought into effect as soon as the Sultan and the Secretary of State agreed that the *Menteri Besar* was capable of assuming office. He believed that a period of at least nine months would be required to draft and pass the necessary legislation to provide for elections and prepare an electoral register. He told the Sultan that his support for the proposal would be greatly strengthened if he knew who the Sultan had in mind for the post of the *Menteri Besar*. But the Sultan steadfastly refused to divulge a secret which Sir Anthony Abell believed might well lose him valuable support in the Council. According to Sir Anthony Abell his proposition had some lukewarm support from those members of Council who had some experience of administration but "they were soon silenced by the more uncompromising and vocal members".⁶³

The second proposal was that the Council itself should assume the powers of the British Resident and delegate them to various officers. Some of these powers would be immediately transferred to the *Menteri Besar* designate, some to the British Adviser and other officers of Government. The proposal allowed a gradual transfer

⁶²*Ibid.*

⁶³*Ibid.*

of duties to the *Menteri Besar*. When the proposal received no support from the members of the Council he knew that a deadlock had been reached and that there was no purpose in continuing the meeting.

Sir Anthony Abell felt he was regarded by some members as the principal opponent and believed that there was a better chance of agreement if he was excluded from the discussions. He told the Council:

"As the field of disagreement had been narrowed to a few points of major importance which would in any event have to be referred to the Secretary of State it was possible that solutions could be found readily and satisfactory in London at the Colonial Office".⁶⁴

Consequently, on the following day, 4 November, the Malay members of the State Council met the Sultan at his Palace. When the constitutional negotiation resumed on 5 November the Sultan produced a resolution which contained agreements he and his Malay Councillors had reached. There was no change in their demand that a *Menteri Besar*, a Secretary of State and a Financial Officer should be appointed simultaneously with the implementation of the Constitution and that the post of the British Resident be changed to that of British Adviser with all powers vested in the British Resident being assumed by the *Menteri Besar*. They also demanded that the Constitution should come into force on 1 July 1959 at the latest. They welcomed the suggestion by Sir Anthony Abell that a delegation headed by the Sultan should hold discussions with the Secretary of State in London. Before the delegation left for London they suggested that the State Council should give the delegation full powers to negotiate matters connected with the Agreement and the Constitution with the Queen's

⁶⁴*Ibid.*

representatives. They also suggested that the State Council should appoint two legal experts to advise the delegation on matters connected with the Agreement and the Constitution.⁶⁵

Sir Anthony Abell strongly urged the Colonial Office to agree to receive the Sultan's delegation as soon as possible. He did not believe that the differences were insoluble. He said:

"I believe if His Highness considers he is receiving unbiased and independent advice in London, and divorced from rather tense atmosphere in the State Council here, and with me out of the picture, he will be less uncompromising."⁶⁶

However, Sir Anthony Abell warned the Colonial Office that the Sultan was very unpredictable and it was difficult to tell what he really wanted. It was for this reason that Malcolm MacDonald, the former Commissioner-General in Southeast Asia, who had a "unique standing with the Sultan", was despatched to Brunei in December "to have an appreciation of the way in which the Sultan's mind is working".⁶⁷ Although MacDonald failed to make the Sultan reveal his intentions on the Constitution, he was able to bring about greater understanding between the Sultan and the Colonial Office.

⁶⁵*Ibid.*, CO 1030/462, item E/67, Resolutions of a Special Meeting at Istana Darul Hana, Brunei, on 4 November 1958.

⁶⁶CO 1030/462, item 67, Abell to Melville, 6 November 1958.

⁶⁷Actually the Colonial Office had been planning of sending MacDonald to Brunei since July when the latter was invited by the Sultan to the opening ceremony of his grand Mosque on 23 September 1958. Apparently the plan was only materialised when the Constitutional negotiations between the Sultan and the High commissioner reached an impasse in November. The aim of the visit was not only to find out the Sultan's mind on the Constitution but also on "closer association". See CO 1030/558, item 165E, Colonial Office to Commonwealth Relations Office, 25 July 1958.

After the visit MacDonald reported:

"I noticed a pleasing change in the Sultan himself. Immediately on meeting him I observed that his face reveals a much more mature, self-confident character than before. ...All my conversations with him confirmed my impression of a responsible and statesmanlike young Ruler".⁶⁸

With regard to the London Conference MacDonald advised the Sultan to be flexible in his approach and meet the British authorities half-way. He said the Sultan assured him that he was willing to reach a compromise agreement with the Secretary of State.⁶⁹ As a result the Secretary of State agreed to receive a delegation headed by the Sultan in the third week of March 1959.

5.4 The London Conference

The Sultan appointed Dato Bukit Gantang Haji Abdul Wahab, the former *Menteri Besar* of Perak, as his Constitutional Adviser.⁷⁰ In London he engaged another lawyer, Neil Lawson Q.C., to advise his delegation. Both lawyers had been involved in the Federation of Malaya's Constitutional talks in London in 1956. The Brunei Delegation comprised entirely of the Malay members of the State Council. They were:

The Sultan;

⁶⁸CO 1030/462, item 71, MacDonald to G.Laithwaite, 24 December 1958.

⁶⁹*Ibid.*

⁷⁰For a biographical note see Appendix I.

Pengiran Pemanca Haji Muhammad Alam;
Dato Perdana Menteri Haji Ibrahim;
Pehin Orangkaya Shahbandar Haji Ahmad;
Pehin Jawatan Dalam Muhammad Noor;
Pehin Orangkaya Laksamana Haji Taha;
Pengiran Haji Abu Bakar;
Pengiran Ali bin Pengiran Mohad.Daud;
Pengiran Yusuf bin Pengiran Abdul Rahman;
Marsal bin Maun.

The Sultan submitted twenty-two points he wished to be discuss in London with the Secretary of State. Among the major points were the timing of the hand-over of the British Resident's power to a *Menteri Besar*; the question of nationality and qualifications for election to the Legislative Council; defence; and the High Commissioner's reserve powers.⁷¹

The Brunei delegation left for London on 14 March 1959. On his departure to London the Sultan told his subjects that the Constitution he was about to negotiate with the Secretary of State would give opportunity to the people in Brunei to take part in the government of the State. In this matter he emphasised that the Legislative Council, which would have responsibility of passing, enacting and initiating laws for the well-being of the people, should have a majority of members elected by the people themselves. He asked his subjects to give their support to his Constitution and assured them that the Constitution could be amended to fulfil their demands. However he

⁷¹CO 1030/462, item 73, Sir Anthony Abell to Secretary of State, 6 January 1959; *Ibid.*, item 74, White to Wallace, 26 February 1959.

asked them to give the Constitution opportunity to work for five to six years before such amendments should be made.⁷²

The London Conference, which was held at the Colonial Office, began on 23 March 1959. At the opening Plenary Session, Alan Lennox-Boyd, the Secretary of State, proposed to the Sultan that he was prepared to consider administrative separation of Brunei and Sarawak if satisfactory arrangements about staffing and the internal security of Brunei could be reached.⁷³ This was a significant move on the part of the Colonial Office because it had consistently opposed the separation of the administrations of the two states until the Brunei Constitution had been working for some time. Lennox-Boyd attempted to bring the Sultan and his delegation to a more conciliatory position. Sir Anthony Abell had in fact told the Colonial Office on 9 March that the difficulties he had with the Sultan and the State Council on the Constitution were "due to resentment on the part of the Sultan and his State Council at the connection with Sarawak and if the cause could be removed undoubtedly the

⁷²*Pelita Brunei*, 18 March 1959.

⁷³CO 1030/526, item 7, Record of the First Plenary Session, 23 March 1959. There were six Plenary Sessions in six days of conference. All the Plenary Sessions were chaired by the Secretary of State and were attended by senior Colonial Office officials and the High Commissioner and the British Resident. The agenda for each Plenary Session was drawn up by a Working Party whose members consisted of representatives from the Colonial Office and the Brunei delegation. The Colonial Office representatives included the Deputy Under-Secretary, Sir John Martin (the Chairman); E.Melville, Head of the Southeast Asian Department; W.I.J.Wallace, Assistant Under-Secretary; and their Legal Advisers. The Brunei representatives consisted of Datu Perdana Menteri Haji Ibrahim (Deputy Chairman); Pehin Orang Kaya Shahbandar Haji Ahmad, Pengiran Haji Abu Bakar; Pengiran Ali; Pengiran Yusuf and Marsal bin Maun; and the two Legal Advisers: Dato Panglima Bukit Gantang Haji Abdul Wahab and N.Lawson.

position would be considerably eased".⁷⁴

The first major point discussed in the Conference was the replacement of the post of British Resident with a *Menteri Besar* simultaneously with the introduction of the Constitution. The British however felt that Brunei was not ready for the change. They insisted that the officer selected to take over from the British Resident must be capable of fulfilling the functions of that office, adding that they could not find such a person in Brunei. But the Bruneis were determined that the *Menteri Besar* should be appointed as reflected in Sir Anthony Abell's letter to the Colonial Office in early January 1959: "Long and patient explanation has convinced only the silent minority in the State Council that is not a job which any Brunei Malay who has been to school can tackle".⁷⁵ The High Commissioner's letter followed the Sultan's new year speech. In the speech the Sultan stressed that "as a people with a country of their own, they were entitled to manage their own affairs".⁷⁶ Under such intense pressure the Colonial Office decided to give in; however, it resolved that the Sultan must be persuaded to reveal who he had in mind for the post of the *Menteri Besar* so that training could be given to him.⁷⁷ In a meeting with the Colonial Office on 9 March 1959 Sir Anthony Abell agreed there would be enough time to train him before being called upon to assume the post. In the same meeting it was agreed that in the period prior to the

⁷⁴CO 1030/526, item 2, Note of discussion with Sir Anthony Abell and Mr.D.C.White on the Brunei Constitution Enactment and the Agreement held on 9 March 1959.

⁷⁵CO 1030/462, item 73, Sir Anthony Abell to Secretary of State, 6 January 1959.

⁷⁶*The Borneo Bulletin*, 3 January 1959.

⁷⁷CO 1030/526, item 1, Note of a Meeting to discuss the Brunei Constitution and Agreement held at the Colonial Office on 6 March 1959.

introduction of the Constitution there would be devolution of the British Resident's powers to several members of the State Council.⁷⁸ What the British had in mind was "a sort of embryo ministerial system".⁷⁹

At the First Working Party Session on 23 March, the Colonial Office told the members of the Brunei Delegation that it was prepared to meet their demand provided that the candidate for the post had a short period of training as *Menteri Besar* designate under the British Resident. Marsal bin Maun, a member of the delegation, expressed dissatisfaction with the suggestion of a period of preliminary training and pointed out that there had been adequate time for that during the past four years. The Brunei Delegation felt that a suitable person would be available and that the time had arrived for the appointment to be made. However the delegation agreed that the personalities for the post of *Menteri Besar* and the State Secretary should be the subject of private discussions between the Sultan and the Secretary of State.⁸⁰

In the Second Plenary Meeting held the following day the Sultan told Lennox-Boyd that he wished to discuss privately the question of selection and timing of the appointment of a *Menteri Besar*.⁸¹ In that private meeting Lennox-Boyd said the Sultan told him that with regard to personality for the post:

"he was going to Malaya and when he got back he would consult his people

⁷⁸CO 1030/526, item 4, Note of Meeting held at the Colonial Office on 10 March 1959.

⁷⁹CO 1030/526, item 1, Note of a Meeting to discuss the Brunei Constitution and Agreement held at the Colonial Office on 6 March 1959.

⁸⁰CO 1030/526, item 8, Summary Record of Meeting of the Working Party held on 23 March 1959.

⁸¹CO 1030/526, item 10, Summary Record of the Second Plenary Session held on 24 March 1959.

in Brunei. They might have suggestions which he would not like and he might have suggestions which they might not like, but the decision would be his and he would give me a promise to write to me at the end of this month [April].⁸²

That seemed to satisfy Lennox-Boyd because he stated in the Fifth Plenary Session that the appointment of the *Menteri Besar* did not present further difficulty and would not affect the introduction of the Constitution".⁸³ The Sultan's reluctance to reveal his thoughts was influenced by likely negative reactions from Bruneis.⁸⁴ As seen above the Constitutional Committee and District Councils had wanted the posts of *Menteri Besar* and the State Secretary to be filled by "true Brunei Malays", and were likely to oppose the appointment of a Malayan as the first *Menteri Besar*.⁸⁵

The second major point discussed was the High Commissioner's reserve powers. Although Lennox-Boyd stressed that the High Commissioner's reserve powers should be retained he was agreeable to their omission from the Constitution provided they appeared in the Agreement.⁸⁶ The Sultan agreed but proposed that the High Commissioner's powers should be worded in general terms. The Sultan told Lennox-Boyd that he wished to retain the words contained in the 1905/1906 Supplementary Agreement: that he agreed to accept advice on all matters except those relating to the

⁸²CO 1030/529, item 8, "Minute by the Secretary of State", 3 April 1959.

⁸³CO 1030/526, item 16, Summary Record of the Fifth Plenary Session held on 3 April 1959.

⁸⁴CO 1030/527, item 2, "Brief for the Secretary of State", Colonial Office Paper. n.d. (?March 1959).

⁸⁵See page 212.

⁸⁶CO 1030/526, item 10, Summary Record of the Second Plenary Session held on 24 March 1959.

Muslim religion and Malay custom. The Secretary of State said that his preference for some specifications was intended to differentiate between matters on which formal advice could be given and those on which only informal advice could be given. The Sultan, however, pointed out that this was the position in the Federation of Malaya Treaty, 1948, and he wished to retain it.⁸⁷ In order to overcome the problem Lennox-Boyd was prepared to consider that the High Commissioner's powers should be given in the form of a general advice clause in the Agreement provided that the Sultan agreed that there should be in addition an exchange of letters between himself and the Sultan to cover the detailed points which would otherwise be specified in the Agreement. He stressed that his final agreement on a general advice clause as desired by the Sultan would depend on what was agreed in the exchange of letters.⁸⁸

Following the agreement Lennox-Boyd sent a draft letter to the Sultan on 2 April outlining the matters on which he would particularly wish the High Commissioner to give advice. In the Fifth Plenary Session held the following day it was acknowledged that the Sultan had agreed to the content of the Secretary of State's letter. Among them were matters relating to defence and security on which the British insisted that Brunei should give full powers to the Queen, including jurisdiction to make laws in Brunei relating to defence and external affairs.⁸⁹ The Brunei Delegation was prepared to give full powers to the British Government in respect of defence and

⁸⁷CO 1030/526, item 12, Summary Record of the Third Plenary Session held on 25 March 1959.

⁸⁸CO 1030/526, item 15, Summary Record of the Fourth Plenary Session held on 26 March 1959.

⁸⁹CO 1030/526, item 37, Summary Record of the Fifth Plenary Session held at the Colonial Office on 3 April 1959.

external affairs but strongly opposed conceding powers to the British to make laws for Brunei on internal security. For the British it was impossible to isolate external defence from internal security. In order to carry out their obligation to protect the State the British wanted to have certain powers of legislation to deal with an internal emergency. They also wanted to have executive powers to seek outside assistance - troops or police - in the event of an emergency; and to have general administrative control of the police, including the appointment of top police officers.⁹⁰

In effect the British previously had no powers to make laws for Brunei in respect of defence. The defence obligations they had were derived only from the general advice clause in the 1905/1906 Supplementary Agreement in which the British Resident's "advice must be taken and acted upon on all questions in Brunei, other those affecting Mohammedan religion".⁹¹ The Sultan wanted to maintain the arrangement. However, if the general advice clause, which he wanted to insert in the new Agreement, was not sufficient to meet the problem he suggested the setting up of a Defence Advisory Council, of which the High Commissioner and representatives of local defence forces would be members. So far as executive power was concerned, he suggested that a section be inserted in the Constitution allowing for the declaration of an emergency; and with regard to the question of personnel he believed that it would be resolved if the British had powers in matter of "key posts".⁹²

⁹⁰CO 1030/526, item 8, Summary Record of Meeting of the Working Party held on 23 March 1959 and item 12, Summary Record of the Third Plenary Session held on 25 March 1959.

⁹¹See: CO 1030/113, item 28, Colonial Office to Sir Anthony Abell, 8 March 1956.

⁹²CO 1030/526, item 12, Summary Record of Meeting of the Third Plenary Session held on 25 March 1959.

In order to meet this demand the draft Agreement was modified to include the Sultan's suggestions. A Standing Advisory Council, consisting of representatives of the British and of the Government of Brunei, would be constituted. The purpose of the Council, which had no executive power, was solely for consultation with regard to implementing measures relating to defence against internal threat. Lennox-Boyd agreed that the Council would be consulted before British troops were brought in for the purposes of internal defence, except when there existed a state of emergency, in which case, it should be consulted as soon as possible after measures had been taken. This apparently satisfied the Sultan and the Brunei Delegation.⁹³

The Bruneis regarded internal security as an internal matter which should be dealt by themselves. The Sultan had for a for long time been asking for the establishment of a Brunei Regiment on the lines of the Malay Regiment in the Federation of Malaya. In fact it was one of the recommendations of the Constitution Committee in 1954.⁹⁴ The idea was opposed by Sir Anthony Abell, not because the Regiment would "divert useful people from essential jobs" as he told the Sultan, but because he distrusted the Bruneis in terms of security.⁹⁵ When the Sultan and his advisers told Sir Anthony Abell that they were capable of looking after their internal security if allowed to have an army, and to increase the size of their police force, the High Commissioner told the Colonial Office:

"It is hardly tactful to reply that it is the Brunei element in these forces which

⁹³CO 1030/526, item 16, Summary Record of the Fifth Plenary Session held on 3 April 1959.

⁹⁴See page 98.

⁹⁵CO 1030/658, item 9, Sir Anthony Abell to Melville, 21 July 1958; item 10, Melville to Sir Anthony Abell, 31 July 1958.

might prove unreliable. As I explained in a demi-official letter of 6 October 1958 to Melville I believe we must retain full powers, including the power to make laws in Brunei, if we are to ensure the security of the oilfields".⁹⁶

The distrust of the Bruneis was the main reason why the British posted a platoon of Sarawak Field Force, and a contingent of Malayan Police, to guard the oilfields at Seria. The Special Branch was controlled from Sarawak.⁹⁷ Whatever decisions were taken in regard to the security of Brunei the British had to take into account the security of the oilfields, which involved the Brunei Shell Petroleum Company (BSPC).⁹⁸ In a letter to Sir Robert Scott, the Commissioner-General for Southeast Asia, on 23 March 1959 Lennox-Boyd stated:

"There are indications that Shell, who have previously maintained that maximum powers in field of internal security should remain with High Commissioner, now believe that more liberal policy might in the long run best preserve their good relations with the Government of Brunei"⁹⁹

Undoubtedly it was the change in attitude of Shell which influenced the decision of the British to soften their demand for the complete control of security in Brunei.

In regard to Lennox-Boyd's proposal for separation of the administrations of Brunei and Sarawak, the Sultan said that he agreed provided no great difficulties were encountered. The Sultan was told that one of the implications of the proposal was

⁹⁶CO 1030/462, item 73, Sir Anthony Abell to Secretary of State, 6 January 1959.

⁹⁷CO 1030/527, item 2, "Brief for the Secretary of State", March 1959.

⁹⁸The British Malayan Petroleum Company (BMPC) changed its name to the Brunei Shell Petroleum Company (BSPC) in March 1957.

⁹⁹CO 1030/462, item 77, Secretary of State to Commissioner-General for the United Kingdom in Southeast Asia, 23 March 1959.

Brunei would lose the service of expatriate officers from the Sarawak establishment.¹⁰⁰ However, in replying to the Sultan's question as to whether he would be free to recruit officers from other territories, Lennox-Boyd said that there would need to be a few "key posts" which should be filled by officers appointed by him. But the Secretary of State assured the Sultan that the number of the "key posts" would be kept to a minimum and as suitable Bruneis became available they could be considered for the appointment to those posts as they became vacant.¹⁰¹ After discussing the matter with his advisers the Sultan agreed to the separation of Brunei and Sarawak Administrations. Consequently the drafting of the Agreement and Constitution Enactment proceeded on that effect.¹⁰² The other implication of the proposal was the Governor of Sarawak would no longer be the High Commissioner for Brunei. Instead there would be a separate High Commissioner for Brunei directly responsible to the Secretary of State, and this led to a decision dropping a proposal for an appointment of a British Adviser because his role would be taken over by the High Commissioner.¹⁰³

¹⁰⁰Under the Brunei/Sarawak Agreement signed in 1948 Sarawak provided senior officers for Brunei Establishment. See page 66.

¹⁰¹CO 1030/526, item 10, Summary Record of the Second Plenary Session held at the Colonial Office on 24 March 1959.

¹⁰²CO 1030/526, item 16, Summary Record of the Fifth Plenary Session held at the Colonial Office on 3 April 1959.

¹⁰³It was decided during the Working Party Session on 24 March 1959 that the appointment of the British Adviser depended on the outcome of the proposal for the separation of the Brunei and Sarawak Administrations. See: CO 1030/526, item 11, Summary Record of Meeting of the Working Party held at the Colonial Office on 24 March 1959.

Although the Sultan was cautious about accepting Lennox-Boyd offer to sever Brunei's links with Sarawak there was no doubt that the proposal had brought some compromising attitudes among the Bruneis. For instance on the qualifications for membership of the Legislative Council the Brunei Delegation indicated that it was in favour of the Sir Anthony Abell's proposal for a non-Brunei be qualified to be an Elected Member of the Legislative Council if the person had been resident in Brunei for seven out of the preceding ten years, had taken the oath of allegiance and had reasonable command of Malay Language.¹⁰⁴ Previously they had resisted fiercely any such proposal; they wanted the Elected members of the Legislative Council be preserved for Bruneis only. In a related matter the Sultan proposed that there should be a State Nationality Law. Although Lennox-Boyd agreed to the proposal he refused to discuss it because he knew that it was a delicate matter and it would cause problems to the Conference. He suggested the proposal be dealt with after the Conference.¹⁰⁵ This was possible because the Sultan planned to implement the Constitution in three stages. On the Constitution Day the *Menteri Besar* and the State Secretary would be appointed. This would be followed by the enactment of nationality laws, the holding of elections to District Councils and, finally, the appointment of elected members of the District Councils by the Sultan to the

¹⁰⁴CO 1030/526, item 8, Summary Record of Meeting of the Working Party held on 23 March 1959.

¹⁰⁵CO 1030/526, item 15, Summary Record of the Fourth Plenary Session held on 26 March 1959.

Legislative Council. Lennox-Boyd agreed to the plan provided that the period did not exceed two years.¹⁰⁶

There was also a significant compromise on the part of the Brunei Delegation when it agreed that for a period of five years legislation in Brunei, including the Constitution Enactment, should be written in both Malay and English; and that for the purpose of interpretation English would prevail. Initially it demanded the Malay version should prevail if a question of interpretation arose in respect of the Agreement. But agreed to a compromise that both English and Malay versions of the Agreement be signed by both sides and the English version should prevail in the event of dispute.¹⁰⁷

With the major points being settled the road to agreement on the Constitution and the Agreement seemed clear. However, as there was a vast amount of work to be undertaken to provide for the transfer of powers and to bring existing legislation into line with the new Constitution, Lennox-Boyd was unable to promise to meet the Sultan's target 1 July 1959 for the introduction of Constitution. However it was agreed that he and the Sultan should exchange letters to facilitate the introduction of the new Constitution on the 1 July 1959.¹⁰⁸ On the final session held on the 6 April the Sultan and Lennox-Boyd initialled the English and Malay versions of the draft Agreement at the Colonial Office.

¹⁰⁶CO 1030/526, item 10, Summary Record of the Second Plenary Session held on 24 March 1959.

¹⁰⁷CO 1030/526, item 15, Summary Record of the Fourth Plenary Session held on 26 March 1959.

¹⁰⁸CO 1030/526, item 16, Summary Record of the Fifth Plenary Session held on 3 April 1959.

The Sultan was satisfied with the outcome of the Conference.¹⁰⁹ He obtained almost all his demands. Furthermore he had out manoeuvred the vocal members of his State Council. The new Constitution would give supreme authority to him instead of the Sultan-in-Council as demanded by the State Council. The Constitution would be published by proclamation rather than by Enactment as the Council had previously demanded.¹¹⁰

5.5 Exchanges of Letters between the Sultan and the Secretary of State

Before the Constitution could be promulgated there were several points to be settled. The most important point was the appointment of a *Menteri Besar*. On 23 April 1959, barely two weeks after he returned from the London Conference, the Sultan travelled to Malaya to search for a candidate for the post of *Menteri Besar*. But on his return from the two week visit to the Federation, he wrote to Lennox-Boyd stating that he had decided to appoint his Private Secretary, Dato Perdana Menteri Haji Ibrahim bin Jahfar, as the first *Menteri Besar* of Brunei.¹¹¹ The Sultan had failed to find a suitable candidate in the Federation. However there was also a possibility that

¹⁰⁹CO 1030/526, item 17, Summary Record of the Sixth Plenary Session held on 6 April 1959. According to Professor Zainal Abidin Wahid, who acted as the Sultan's interpreter during the Conference, after the initiation ceremony the Sultan shook his hand and told him: "It's done! (in English!)". Professor Zainal, who was student at that time attached to the Malayan Foreign Affairs, said he could felt the Sultan was "extremely satisfied" with the outcome of the negotiations. He saw the Sultan for the first time relaxed and cheerful. Interview, May 1993.

¹¹⁰CO 1030/526, item 10, Summary Record of the Second Plenary Session held on 24 March 1959.

¹¹¹CO 1030/529, item 29, Sultan to Secretary of State, 6 May 1959.

he was under pressure from his traditional advisers and members of the State Council to appoint a Brunei Malay. Although Dato Perdana Menteri Haji Ibrahim was never considered by the Bruneis as a "true Brunei Malay" because he was born in Labuan, he was chosen because he was more acceptable to the British.¹¹² Like all the others in Brunei at that time Haji Ibrahim had never been to a high school. He was brought to Brunei by a British Resident in 1917 as an office messenger in the British Resident's Office. Before he became the Sultan's Private Secretary in 1956 he was the British Resident's Secretary.¹¹³ On 12 June Lennox-Boyd wrote to the Sultan informing him that he approved the appointment. He did not demand a preliminary period of training for the new *Menteri Besar* before the office of the British Resident was abolished. Haji Ibrahim's long experience in administration gave confidence to the British to handle the new administration in Brunei. However the Secretary of State was unable to meet the Sultan's desire for the appointment to be made by 1 July 1959 because there were still outstanding issues in connection with the provisions of the Constitution, and staffing problems following the separation of Brunei from Sarawak which needed to be settled.¹¹⁴

With regard to the provisions of the Constitution the Sultan told Lennox-Boyd that he and his traditional advisers could not accept non-Bruneis eligible to be Elected members of the Legislative Council, as provided in the draft Constitution Enactment.¹¹⁵ He said the provision did not reflect what he and his advisers the agreed at the

¹¹²Interviews with Pengiran Ali and Pengiran Yusuf in April 1993.

¹¹³For a biographical note see Appendix I.

¹¹⁴CO 1030/489, item 36A, Secretary of State to Sultan, 12 June 1959.

¹¹⁵CO 1030/489, item 30, Sultan to Secretary of State, 2 June 1959.

London Conference. In order that non-Bruneis should not be disqualified permanently, he said, he was willing to undertake that within two years of the Constitution Day, and at the same time as the Election provisions were introduced, a Nationality Enactment would be passed.¹¹⁶ Lennox-Boyd was prepared to meet the Sultan's demand because he felt it was not an immediate matter. However, he stressed that it must not be later than two years as promised by the Sultan.¹¹⁷

Earlier, on 6 April 1959, the Sultan wrote to the Secretary of State to confirm the agreement that the selection of officers to fill the "key posts" would not be confined to United Kingdom personnel. If a suitably qualified and acceptable nominee was found who was not United Kingdom personnel he would not be barred from selection. He also told the Secretary of State that he desired that the officers accepted to fill "key posts" should have a sufficient knowledge of Malay to enable them to carry out their duties efficiently.¹¹⁸ Lennox-Boyd confirmed that the selection of officers for "key posts" was not intended to be confined to United Kingdom personnel, although he was not sure that it was always possible to find a suitable officer with knowledge of Malay as well as the experience and qualifications needed for the post.¹¹⁹ The Sultan asked Lennox-Boyd to recommend names of officers whom he suggested as suitable. On his part the Sultan said he had asked the Government of the federation of Malaya whether they could assist him in the matter.¹²⁰

¹¹⁶CO 1030/490, Sultan to Secretary of State, 13 July 1959.

¹¹⁷CO 1030/490, Secretary of State to Sultan, 29 July 1959.

¹¹⁸CO 1003/529, item 10, Sultan to Secretary of State, 6 April 1959.

¹¹⁹CO 1030/529, item 13, Secretary of State to Sultan, 15 April 1959.

¹²⁰CO 1030/529, item 51, Sultan to Secretary of State, 4 July 1959.

By early August a report on staffing was completed. The Sultan said he agreed in principle to the recommendations of the report. He suggested there should be two agreements: with Sarawak regarding the end of the administrative links, and with the British Government regarding compensation.¹²¹ At the same time the Sultan had agreed to reserve the posts of Chief of Police, Officer-in-Charge of Special Branch, State Medical Officer and State Engineer to expatriates as recommended by the Secretary of State. However the State Financial Officer, Attorney-General and State Education Officer were people of his own choice: officers from the Federation. The post of the State Secretary, which was not a "key post", was filled by Wan Ahmad bin Wan Omar from the Federation. Further the Sultan had agreed to the nomination of Dennis White, the British Resident, as the High Commissioner for Brunei under the new arrangement.¹²² Basically these arrangements satisfied the British and thus the Constitution was promulgated on 29 September 1959.

¹²¹CO 1030/529, item 81, Sultan to Secretary of State, 26 August 1959.

¹²²*Ibid.*

CHAPTER 6

THE PROMULGATION OF THE 1959 CONSTITUTION

On 29 September 1959 the Sultan promulgated the first written Constitution of Brunei. In order to bring the Constitution into force four other documents were also promulgated: the Succession and Regency Proclamation, which contained rules regulating succession to the throne of Brunei and the appointment of regent or regents in the absence of the Sultan from the State; the Brunei Agreement, which spelled out the new relations between Brunei and Britain; the Brunei Overseas Officers Agreement, which dealt with appointments of contract officers to the Brunei Government and compensation paid for loss of career resulting from the new arrangements; and the Brunei and Sarawak (Administrative Separation) Agreement, which terminated the 1948 Agreement signed between the two States and dealt with compensation paid to Sarawak officers who were affected by the new changes. The first part of this chapter deals with constitutional and administrative structures provided by the new the Constitution, the second part examines the establishment of the new administration and its problems and the last part discusses the proposals for introducing the Nationality Bill and elections.

6.1 Internal Self-government

The Sultan expressed his satisfaction with the promulgation of the Constitution. He said that the 1959 Agreement brought "to an end an era of direct rule by the

British Government over the State of Brunei".¹ Under the constitutional reform the post of the British Resident was abolished and the administrative link with Sarawak through the High Commissioner, who was also the Governor of Sarawak, was severed. Instead, Brunei had its own High Commissioner, who resided in the State and was directly responsible to the Colonial Office. Unlike the British Resident, who was the Sultan's chief adviser and the *de facto* chief executive officer, the new High Commissioner had a smaller role in the internal affairs of the State. He sat in the Executive Council in his capacity as an adviser to the Sultan "on all matters connected with the Government of the State other than matters relating to the Muslim religion and the custom of the Malays".² In practice, however, as admitted by a Colonial Official, the powers of the High Commissioner were "limited to defence and external affairs [and]... to internal security in view of its connection with defence, and to one or two other items such as banking and currency".³ In April 1960 Dennis White, the last British Resident, who was appointed as the new High Commissioner, told the Colonial Office:

"My position is difficult in the extreme ...too much criticism and too much advice would be regarded as an interference and resented, and I have to confine my frankest exchanges to the *Menteri Besar*".⁴

Nine months later, in January 1961, White was advised by the Colonial Office that: "in relation to internal Brunei matters, which do not directly affect H.M.G's interests,

¹*The Borneo Bulletin*, 3 October 1959.

²"The Brunei Agreement, 1959", Clause 4 (1).

³DO 35/10035, item A, Melville to MacDermot, 2 February 1960.

⁴CO 1030/937, item 8, White to Wallace, 28 April 1960.

it seems best to keep in the background as far as possible".⁵ The High Commissioner's functions were best described by White in his letter to the Colonial Office in August 1961: "Every action and word has to be governed by need to retain the Sultan's goodwill and win back confidence in the British connection".⁶ In fact the Sultan was not obliged to accept the advice of the High Commissioner as there was a provision in the Agreement that he could address the Queen through the Secretary of State if he desired.⁷

As far as the internal matters were concerned the supreme executive authority of the State which formerly vested in the Sultan in Council now vested with in the Sultan. However the authority could be exercised by State officers acting in the Sultan's name. The principal officer responsible to the Sultan for the exercise of all executive authority was the *Menteri Besar*. He replaced the British Resident as the head of the administration. However the *Menteri Besar* had no over-riding power as the British Resident had had. The British Resident's powers were distributed among the principal officers of the State, which included the *Menteri Besar*, the State Secretary, who was in charged of the administrative affairs; the Attorney-General, and the State Financial Officer. All these officers were appointed by the Sultan and held office at his pleasure. The *Menteri Besar* and the State Secretary had to be Malays professing Islam and belonging to the Shafeite sect as did the majority of the Muslims in Brunei. The positions of Attorney-General and the State Financial Officer which came under the Brunei Overseas Officers Agreement had to be approved by the

⁵CO 1030/1447, item 4, E.Melville to D.C.White, 15 February 1961.

⁶CO 1030/1448, item 14, White to Melville, 29 August 1961.

⁷"The Brunei Agreement, 1959", Clause 4 (2).

Secretary of State. Other "key posts" which came under the Agreement were State Engineer, State Education Officer, Chief Police Officer (later Commissioner of Police), State Medical Officer and Officer-in-Charge Special Branch. The Agreement stipulated that until locally domiciled persons were available all the "key posts" were to be filled by officers nominated by the Secretary of State and appointed by the Sultan or by officers nominated and appointed by the Sultan with the approval of the Secretary of State.⁸

The State Council which was established during the British Residency was abolished. In its place three Councils were created: Privy, Executive and Legislative. The main functions of the Privy Council, whose members were mainly the traditional advisers of the Sultan and the principal officers of the State, were to advise the Sultan on the exercise of the prerogative of mercy, the amendment or revocation of any of the provisions of the Constitution, the appointment of persons to Malay customary ranks, titles, honours and dignitaries.⁹

The Executive Council on the other hand was the most important body of the State. In the exercise of his powers and the performance of his duties, the Sultan had to consult the Executive Council whose main functions were to consider and to give advice on matters in relation to government policies presented by the Sultan. The Sultan might reject the advice of the Executive Council but in that case he had to give his reasons in writing.¹⁰ The Executive Council, which was presided over by the

⁸DO 35/10034, item 67, "Brunei Overseas Officers Agreement, 1959", Clause 2.

⁹"The Constitution, 1959", Section 6.

¹⁰*Ibid.*, Sections 19 and 20.

Sultan himself, had seven ex-officio members (the two *Wazir*, the *Menteri Besar*, the State Secretary, the Attorney-General, the State Financial Officer and the Religious Adviser); and also included the High Commissioner; and seven Unofficial members. The Unofficial members comprised six Elected members of the Legislative Council and one Nominated member of that Council.¹¹ However before the Elections were held the Unofficial members of the Executive Council were appointed by the Sultan. The Nominated Member of the Council was the Managing Director of the Brunei Shell Petroleum Company (BSPC).¹²

The Legislative Council was the law-making body of the State. It was presided over by the *Menteri Besar* (but later after an election in August 1962 the Sultan appointed a Speaker from among its members to preside over it). The members of the Legislative Council comprised eight ex-officio, six Official, three Nominated and sixteen Elected members. The ex-officio members were the two *Wazir*, the *Menteri Besar*, the State Secretary, the Attorney-General, the State Financial Officer, the Religious Adviser. The Official Members were people who held public office and were appointed by the Sultan. Like the Official members, the Nominated members were appointed by the Sultan but they could not hold public office. At least two of the Nominated members should represent important interests which were not adequately represented by the Elected members. When the Legislative Council was first established in October 1959, the Sultan appointed R.E.Hales to represent the

¹¹*Ibid.*, Sections 11 - 14.

¹²BA/13168/A/1978, SUK/173/59, Minutes of Executive Council Meeting held on 29 October 1959. These Minutes show all, but one, the Unofficial members comprised the members of the Sultan's Constitutional delegation to London. For a complete list of members of the Executive Council see Appendix II.

BSPC and George Newn Ah Foott to represent the Chinese Community.¹³ The Elected members were members of District Councils, chosen by the Councils themselves. The Constitution provided for elections for the District and Legislative Councils to be held within two years after the proclamation of the Constitution. Until the elections were held, the "Elected members" of the Legislative Council were appointed by the Sultan. They comprised members of the Sultan's Constitutional delegation to London and members of District Councils.¹⁴

6.2 The New Administration

As soon as the new Constitution was promulgated a new administration was established. The Sultan appointed his Private Secretary, Dato Perdana Menteri Dato Haji Ibrahim bin Jahfar,¹⁵ as the first *Menteri Besar* of Brunei; and Wan Ahmad bin Wan Omar, a Malayan officer, as the State Secretary. The appointment of Dato Haji Ibrahim and Wan Ahmad to the most senior posts in the new administration surprised most people in Brunei particularly the members of the Sultan's constitutional delegation. In his report to the Colonial Office White noted:

"There was little or no public animation but, I hear, there are undercurrents of resentment at the appointment of two non-Bruneis as *Menteri Besar* and the State Secretary. One or two members of State Council, who had hopes of

¹³*The Borneo Bulletin*, 24 October 1959.

¹⁴For a complete list of members of the Legislative Council see Appendix III.

¹⁵Given the top award "The Most Honourable Order of the Crown of Brunei, First Class, Seri Paduka Mahkota Brunei" by the Sultan on the latter's birthday on 23 September 1959. Hereafter Dato Haji Ibrahim.

advancement, are believed to be talking to the Party Raayat".¹⁶

In retrospect the Sultan's decision to appoint the Labuan-born Dato Haji Ibrahim as the first *Menteri Besar*, as being due to the fact that he was the only "local person" acceptable to the British. It is likely that rather than submit to the British demand that the *Menteri Besar* should receive a period of training if the candidate was not acceptable to the British,¹⁷ and which would have meant a delay in the establishment of the new administration, the Sultan chose his Private Secretary. However by doing so the Sultan disappointed many members of the State Council who had fought hard both with the High Commissioner and the Colonial Office to reserve the posts of *Menteri Besar* and State Secretary for a "pure Brunei Malay". Some of them were in fact hoping to be appointed to the posts themselves. In November 1959, two months after the promulgation of the Constitution, the Sultan was reminded by members of the Executive Council about the issue of the appointment of the *Menteri Besar* and State Secretary. They demanded an immediate training of local candidates.¹⁸

However the appointment of the *Menteri Besar* and State Secretary was not the only issue which caused resentment among the local elites and the Bruneis generally. Except for the *Menteri Besar*, all senior posts in the new administration were filled by Malayan or British officers. During the London talks the Secretary of State agreed to meet the Sultan's wish to fill his administration with officers of his own choice provided that the appointment of seven "key posts" had to be approved or nominated

¹⁶CO 1030/533, item 10, White to Wallace, 1 October 1959.

¹⁷Interviews with Pengiran Ali and Pengiran Yusuf, April 1993.

¹⁸BA/2237/1983, "Minutes of Executive Council Meeting held on 28 November 1959".

by the Secretary of State himself. However on the insistence by the Sultan that officers recruited into his administration should be conversant in the Malay Language, only the positions of State Financial Officer, Chief Police Officer, State Engineer and Officer-in-Charge of Special Branch were filled by expatriates. All ten other senior posts were filled by Malayan officers.¹⁹ In addition a considerable number of Malaysians were working in the Government Service and the commercial organisations on a contractual basis, and a few on a permanent Government service basis.²⁰ Among them were forty-two teachers who taught in the various schools and a Teacher's College in the State, including a number of recipients of scholarships from the Brunei Government.²¹

The "influx" of these Malayan officers caused resentment among local officers who saw their opportunities for promotion disappear. Although they knew that the Malayan officers were in Brunei on secondment until local officers were available to take over, some of the local officers felt that having worked hard rid the State of Sarawak and British officers some of the senior posts should be given to them. In November 1959, two months after the promulgation of the Constitution, Marsal bin Maun, an Unofficial member of the Executive Council, brought a motion in the

¹⁹See: CO 1030/1447, item 75/E, Tunku Abdul Rahman to Sultan of Brunei, 4 July 1961. The ten seconded Malayan officers were: State Secretary; Attorney-General; State Education Officer; Commissioner of Lands; Secretary for Development; Establishment Officer; State Forest Officer; State Surveyor; State Medical Officer; and Assistant Attorney-General.

²⁰*Ibid.*; CO 1030/1447, item 76/E, "An Appreciation of Recent Events in Brunei", nd. This report was prepared by the Special Branch Officer and it was sent to the Colonial Office by the High Commissioner on 22 July 1961. He also sent the same report to the Security Intelligence Far East in Singapore. See item 76 of the same file.

²¹CO 1030/1447, item 75/E, Tunku Abdul Rahman to the Sultan of Brunei, 4 July 1961.

Council which stated that it was "the intention of this Government eventually to post Brunei Malays as Heads of the following Departments:- Immigration; Information; Broadcasting; and Customs".²² When there seemed to be no move on the part of the Government to promote local officers to senior posts a member of the Legislative Council criticised the Government in April 1960 for not providing opportunities to local-born people to join the public service and commercial firms. He challenged "the common belief in Brunei that local people were not qualified to enter the public service".²³ Consequently relations between the Malayan officers and the local officers became strained. The local officers felt that, although Brunei had achieved its self-government after the promulgation of the Constitution, they were losing out to non-Bruneis high positions in the new administration. In December 1960 all sixteen Unofficial members of the Legislative Council stage a walk out after their proposals on the privileges and allowances of Members of Legislative Council, which had been passed by the Council, were rejected by the Sultan on the advice of the Government and the High Commissioner. They were angry with the claim of Ali bin Hassan (the Attorney-General), who was a Malayan officer, that motions passed by the Legislative Council could only be acted upon if approved by the Sultan in Council. They felt that it would reduce them to the status of a "rubber stamp". The "Constitutional crisis" was resolved after the Sultan agreed to see them privately. Dennis White believed the whole affair was clouded by the "growing friction between the locals and the Malayan

²²BA/13802/A/78, "Minutes of Executive Council Meeting held on 28th. November 1959".

²³*The Borneo Bulletin*, 23 April 1960.

contingent".²⁴ In an attempt to reduce the tense situation the Sultan decided to promote the following local officers: Dato Marsal bin Maun²⁵ from a Superintendent of Malay School, the post he held since 1948, to Deputy State Secretary; Pengiran Ali, a school Headmaster, to Religious Affairs Officer; and Pengiran Yusuf was confirmed in his post as State Information Officer.²⁶

The discontent among the Brunei civil servants spread out from Government offices to the general public, especially when inefficiency in the administration became widespread. In its annual Congress held in February 1960 the PRB criticised the delay in carrying out Government business and adopted a resolution pressing for the removal of some of the Malayan officers and their replacement with local personnel.²⁷ In May 1961 the Brunei Shell Petroleum Company (BSPC), which was worried about these developments sent a report to London urging the British Government "to exert more influence" in the State. According to the report, the State was "in a mess" and the administrative machinery was "grinding to a stop". The report claimed that there had been minimal governmental action under the new Constitution: out of a development budget of \$30 million for 1960 the administrative machine had only succeeded in spending \$4 million.²⁸ The report blamed the "mess" on the *Menteri Besar*, who was

²⁴CO 1030/1447, item 2, White to E.Melville, 22 December 1960.

²⁵Awarded "Dato Setia Negara Brunei" by the Sultan on the occasion of his birthday on 23 September 1960. Hereafter Dato Marsal.

²⁶Interviews with Pengiran Ali and Pengiran Yusuf, April 1993; with Marsal bin Maun, May 1993.

²⁷CO 1030/932, item 1, White to A.Waddell, 23 February 1960.

²⁸CO 1030/1447, item E/29, "Extract of a letter from the Foreign Office to the Colonial Office", 9 May 1961.

"in fact a very ill man and quite incapable of taking a strong or effective lead". However it also believed that there was "a grave shortage of qualified administrators" and the situation was worsened by "the friction between the Bruneis and the Malayan seconded officers, who wanted to get home".²⁹ In a reply to the Colonial Office query on the matter, in August 1961, White said:

"You are well aware of the difficulties of my own position here; being maintained by the Sultan, sanctions are in his hands, if he should desire to use them and we have no effective come back. I am ostensibly an Adviser on everything other than Religious and local custom, but in fact I am limited to defence and external affairs and every action and word has to be governed by the need to retain the Sultan's goodwill and win back confidence in the British connection".³⁰

When most senior Sarawak and British officers left as a result of the constitutional changes in 1959 Brunei was deprived of experienced officers. Most of the Malayan officers lacked experience and were unsuitable to handle the newly established administration. Wan Ahmad, the State Secretary, who was responsible for running the day to day administration was a junior Malayan Civil Service officer with only three years' service. In October 1959, the British High Commissioner in Kuala Lumpur reported that the appointment of Wan Ahmad Brunei was contested by the Federation Establishment Office "on the ground that he was not fully qualified and

²⁹*Ibid.*

³⁰CO 1030/1448, item 14, White to Melville, 29 August 1961.

lacked of experience".³¹ In fact the appointment of Wan Ahmad, who was previously the Personal Secretary of Tunku Abdul Rahman, was agreed between the Sultan and the Prime Minister in July 1959 following his successful London Constitutional negotiations.³² In another report the British High Commission in Kuala Lumpur said that the handling of nominations of Malayan officers for positions in Brunei had been taken over from the Establishment Office by the Prime Minister's Department. It said the secondment of Malayan officers to Brunei was treated in Kuala Lumpur

"as a political exercise and one to which Ministers attach considerable importance. Any advice tendered by the F.E.O. as to the unsuitability of candidates Ministers wish to put forward would, in any case, be ignored in the interests of getting Malays into the influential jobs in Brunei".³³

This was confirmed by the Attorney-General, in April 1960, when he told the Brunei Legislative Council that there was no formal written agreement between Brunei and the Federation on the secondment of the Malayan officers but the principle had been accepted by both countries.³⁴

Given this background it was not surprising that the *Menteri Besar* was unable to cope with the demands of the new administration. However, White also blamed the Sultan's interference with the day to day administration as being responsible for the

³¹DO 35/10034, item 51, the British High Commissioner in Kuala Lumpur to the Commonwealth Relation Office in London, 13 October 1959.

³²*Ibid.*

³³DO 35/10034, item 57, A.J.Brown (Office of the British High Commissioner, Kuala Lumpur) to R.C.Ormerod (Commonwealth Relations Office, London), 3 October 1959.

³⁴*The Borneo Bulletin*, 23 April 1960.

state of affairs. In his annual report to the Secretary of State in London at the beginning of 1961 the High Commissioner said:

"It is well known that the *Menteri Besar* is required by the Sultan to refer everything to him, and thus reasonable decisions arrived at the State Secretary and the Heads of Departments are frequently varied or rescinded by the *Menteri Besar* on the Sultan's instructions, often supported by the so-called "unofficial" members of the Executive Council, all of whom, in fact, hold posts in the Brunei Civil Service".³⁵

In fact the High Commissioner said the appointment of the Sultan's former Private Secretary as the first *Menteri Besar* had resulted in the Sultan becoming the executive authority in fact as well as in name and had deprived him of the essential buffer between the throne and the Government and the people.³⁶ However in another report White said that the Sultan was frequently critical "of his own Government in Executive Council for the papers and views they put up, and for bringing up matters which were within their competence to decide".³⁷

In such circumstances, and since the administration was almost entirely under the Malayan officers, it was not surprising that the Sultan, as the High Commissioner said, "adopted with enthusiasm, the role of Chief Administrator" and, with a weak ailing *Menteri Besar*, "exercised the closest control of day to day administration, which slowed down the wheels almost to a standstill".³⁸ In summing up his report

³⁵CO 1030/1447, item 5, White to Iain MacLeod, 30 January 1961.

³⁶*Ibid.*

³⁷CO 1030/1447, item 13, White to E.Melville, 14 March 1961.

³⁸CO 1030/1447, item 5, White to Iain MacLeod, 30 January 1961.

White said: "the public are restless and critical and the civil service is worried and unhappy".³⁹

Another important factor which caused the administrative problems was the fact that many of the Malayan officers themselves were not enthusiastic in working in Brunei. Feeling unwanted and disliked by their host country they were increasingly anxious to return to Malaya, where the shortage of staff was acute and appointments for promotion was greater. Their restlessness could also be attributed to the fear of being passed over for promotion in Malaya during their absence. In March 1961, Wan Ahmad told White that Malaysians were increasingly reluctant to accept secondment in Brunei, however much the politicians tried to persuade them.⁴⁰ In fact in April 1961, Wan Ahmad and three other senior officers, the Attorney-General, the Establishment Officer, and the State Education Officer requested to return to Malaya. However White believed their request would not be accepted by the Sultan or the Federation Government, not only because they had not completed their two-year secondment period, but also because their secondment was decided on a political rather than an administrative basis.⁴¹

But their opportunity came on 12 June 1961 when one of their colleagues, Mohammad Yakin bin Haji Long, the State Forest Officer, was assaulted by three of Azahari's brothers.⁴² This isolated incident, apparently the result of a dispute over the

³⁹*Ibid.*

⁴⁰CO 1030/1447, White to E.Melville, 23 March 1961.

⁴¹CO 1030/1447, White to I.Wallace, 13 April 1961.

⁴²CO 1030/1447, item 59/E, Report by the Commissioner of Police to the *Menteri Besar*, 28 June 1961.

non-granting of a Forest Department Permit to Sheikh Nikman, one of the persons involved, was blown out of proportion by the officers to request their transfer to Malaya. Immediately after the incident all the senior Malayan officers and some teachers submitted their resignations and demanded their immediate withdrawal. Four days later Wan Ahmad, the State Secretary, and Ali bin Hassan, the Attorney-General, against the *Menteri Besar's* wishes, flew to Kuala Lumpur to seek agreement from the Prime Minister to their demand for immediate withdrawal.

The *Menteri Besar* wished that the incident should not be publicised for fear of straining further the relations between the Malayan officers and the local people. However, Mohammad Yakin, who decided to return to Malaya without waiting for approval from the Brunei and Malayan Governments, gave an exaggerated account of the incident to the press on his arrival in Singapore.⁴³ The situation worsened when Tunku Abdul Rahman, after hearing the account of his officers, made press statements alleging that the Malayan officers were not given enough protection by the authorities in Brunei. He warned that unless their safety was guaranteed he had no choice but to agree to their request for withdrawal from Brunei. This statement became a political issue when he accused the PRB of causing the troubles. (The political implications of this incident will be discussed in the next chapter).⁴⁴

⁴³CO 1030/1447, item 36, White to E.Melville, 15 June 1961.

⁴⁴CO 1030/1447, item 76/E, "An Appreciation of Recent Events in Brunei", nd. This report was prepared by the Special Branch Officer, with the approval of the Commissioner of Police Brunei. It was sent by the High Commissioner to the Colonial Office and Security and Intelligence Far East, Singapore on 22 July 1961. See item 76 in the same file. See also CO 1030/1447, item 59/E, "Report by the High Commissioner of Police to the Menteri Besar, 28 June 1961.

Despite the incident, the Agong's State visit to Brunei, which had been planned prior to the incident, went ahead in early July 1961. During the visit the Tunku, who was in the entourage, handed a letter to the High Commissioner in Brunei addressed to the Sultan, which appeared to be an "ultimatum". He told the Sultan that on his return to Malaya he would take steps to withdraw all his officers in Brunei except the forty-two teachers whom he advised to wait until replacements could be found either from Brunei or from Malaya. He urged the Sultan to appoint his own officers to as many posts possible and to call on Britain to provide technical and other officers unavailable locally.⁴⁵

The Tunku's letter upset the Sultan because it put him in a difficult position.⁴⁶ On the one hand the Sultan knew that his officers were not ready to replace the Malaysians; and on the other, he would "lose face" if he went back to the British to ask for officers after terminating their services. The Sultan refused to let the Malaysians go unless replacements found and he appealed to the Agong and to Tun Abdul Razak, the Deputy Prime Minister, not to take the drastic action.⁴⁷ As soon as the Malayan King's entourage left Brunei the Sultan despatched the *Menteri Besar*, and two of his advisers, Dato Marsal and Pengiran Ali, to Kuala Lumpur to discuss the staffing position and to arrange for replacements.⁴⁸ Consequently Tunku Abdul Rahman withdrew his threat to pull out all his officers from Brunei. Instead he agreed to replace them with "another batch of civil servants who would as far as possible be

⁴⁵CO 1030/1447, item 75/E, Tunku Abdul Rahman to the Sultan, 4 July 1961.

⁴⁶CO 1030/1447, item 53, White to Secretary of State, 4 July 1961.

⁴⁷CO 1030/1447, item 55, White to Secretary of State, 20 July 1961.

⁴⁸CO 1030\1447, item 54, White to the Secretary of State, 12 July 1961.

more senior and have more experience behind them".⁴⁹

After the staffing dispute was resolved the Sultan reassessed his policy towards his own officers. Towards the end of July 1961 he promoted Dato Marsal, the Assistant State Secretary, as Acting *Menteri Besar*. The *Menteri Besar*, Dato Haji Ibrahim, went on a nine months leave to seek to regain his health; and at the end of the leave, the latter would retire if so advised medically. The Sultan appointed Pengiran Yusuf as the Deputy State Secretary, taking over from Dato Marsal.⁵⁰ On the departure of the substantive holder (Wan Ahmad), Pengiran Yusuf acted as the State Secretary. In his annual report to the Colonial Office on political developments in Brunei for 1961 the High Commissioner described the appointments of Dato Marsal and Pengiran Yusuf in the following words:

"At any time up to a few months ago, it would have been impossible to view the appointments of Marsal and Pengiran Yusuf with anything but the gravest apprehension. They, together with Pengiran Ali, now the head of the Religious Affairs Department, were the three members of the Brunei Malay Teachers Association who had been specially selected by the Sultan in 1956 as the spearhead of the attack on the British Resident's entrenched position. Ardent nationalists, they all had close contact with the Party Rakyat".⁵¹

He continued that there had been a marked improvement in the administration in Brunei. White said the Sultan had indicated that he intended to allow the new *Menteri*

⁴⁹CO 1030/1447, item 87, British High Commissioner Kuala Lumpur to Commonwealth Relations Office, 5 August 1961.

⁵⁰CO 1030/1447, item 85, White to E.Melville, 29 July 1961.

⁵¹CO 1030/1447, item 101, White to R.Maudling, 15 January 1962.

Besar to lead the Government. This was in fact confirmed by Lord Selkirk,⁵² the new Commissioner General of the United Kingdom in Southeast Asia, in September, when he told the Secretary of State that: "He [the Sultan] is being more of a Constitutional Sultan with Marsal".⁵³ After just four months of their appointment, White said:

"Marsal and Pengiran Yusuf started, with exemplary diligence, to clear up the enormous backlog of business, including some 600 files in the State Secretary's office awaiting attention. The speed with which they achieved this, despite Marsal's complete lack of English, was commendable".⁵⁴

Earlier in July 1961 Tunku Abdul Rahman withdrew Ali bin Hassan, and replaced him with Dato Abdul Aziz bin Mohammad Zain, the Permanent Secretary in the Prime Minister's Department.⁵⁵ With arrival of the new Attorney-General, who was described by White as "a vast improvement on his predecessor", the wheel of the administration began turning again.⁵⁶

6.3 The Nationality Bill and the proposals for Elections

The new Constitution had provided for elections to be held within two years after its introduction. But by the end of September 1961 the elections had not been

⁵²For a biographical note see Appendix I.

⁵³CO 1030/1448, item 16, Lord Selkirk to MacLeod, 12 September 1961.

⁵⁴CO 1030/1447, item 101, White to R.Maudling, 15 January 1962.

⁵⁵CO 1030/1447, item 87, British High Commissioner in Kuala Lumpur to Commonwealth Relations Office, 5 August 1961.

⁵⁶CO 1030/1447, item 101, White to R.Maudling, 15 January 1962.

held to the annoyance of the Partai Rakyat Brunei (PRB), which was hoping to gain political power through the democratic process. Among the main reasons for the delay, as evident above was that the new administration was weak and besieged by problems. In February 1960 the deputy Commissioner-General informed the Colonial Office that: "Lord Selkirk has also asked me to tell you that in his view nothing should be done to encourage the Sultan of Brunei to expedite the introduction of democratic methods, at least until the Civil Service begins to take shape".⁵⁷ In fact White agreed with Lord Selkirk. In a report to the Colonial Office in February 1960 the High Commissioner noted that the Brunei Civil Service was too weak to exercise any control over any elected element in the Councils, particularly if a number of the "more ardent PRB adherents" were elected. Therefore he said: "We should play a waiting game and, at present, neither encourage or discourage the introduction of democratic methods".⁵⁸ In the same report White said the State Secretary, Wan Ahmad, and the Attorney-General, Ali bin Hassan, both viewed the time limit of holding elections within two years with "misgivings", for different reasons. Wan Ahmad felt that: "the introduction of the ballot box to people who have little or no idea of its meaning, at a time when only one party is in the field, is unnecessarily dangerous".⁵⁹ On the other hand, Ali bin Hassan felt that time was inadequate, particularly in view of the fact that no decision had been reached either on who could stand for the elections or who could vote.⁶⁰

⁵⁷CO 1030/937, item 6, D.Allen to E.Melville, 13 February 1960.

⁵⁸CO 1030/937, item 7, White to E.Melville, 16 February 1960.

⁵⁹*Ibid.*

⁶⁰*Ibid.*

Despite these pessimistic opinions the Sultan was determined to go ahead with his plan to hold the elections by September 1961. During the London talks the Sultan had told the Secretary of State that he would introduce Nationality legislations before holding the elections in order to determine the electorate. In April 1960 the Sultan appointed a Select Committee to consider the draft of the Nationality Bill and to hear representations from the public. After all views had been taken into consideration, the Select Committee would make its recommendations on the final form of a draft Bill to be introduced in the Legislative Council. However before that he also promised to send a copy of the draft Bill to London for comments from the Secretary of State and for legal experts.⁶¹

The Select Committee, which was chaired by Dato Haji Ibrahim, the *Menteri Besar*, consisted of the State Secretary, the Attorney-General, the State Financial Officer, members of the Sultan's London Constitutional delegation and three unofficial members of the Legislative Council including a Chinese representative.⁶² In its first meeting in May 1960 the Committee agreed, on the suggestion of the Attorney-General, that in order to simplify the work he should first have discussions with the parliamentary draftsman in Kuala Lumpur, R.H.Hickling, on the general merits of the Bill and on the drafting arrangements of the various clauses. According to the Attorney-General the draft Bill was based substantially on the Nationality Law of the Malay States which were passed about six years earlier and, in his opinion it was necessary to take into account the various changes and defects found in the Malayan

⁶¹BA/13229/1978, SUK/249/49/60 A, "Executive Council Paper No. 110/60 - Nationality Bill".

⁶²BA/13168/A/78, SUK/173/59, "Minutes of Executive Council Meeting held on 13 and 14 April 1960".

Law. The Committee agreed to defer further consideration of the draft Bill until the Attorney-general had made his report, which came only in early September 1960. The report of the Attorney-General together with the draft Bill were considered by the Select Committee at three meetings in early September. At the end of those meetings the Committee drew up a second draft of the Bill.⁶³

Meanwhile the Sultan sought assistance from the Malayan Elections Commissions to make preparations for the elections in the State.⁶⁴ In August 1960 the Chairman of the Malayan Elections Commission and two members of his Commission were in Brunei to make observations and submit proposals on the steps to be taken to hold elections within the stipulated time. At the end of his one week tour in the State the Chairman of the Commission submitted a draft proposal for an election programme to the Brunei Government, which was discussed by the Sultan and his London Constitutional Delegation on 27 August 1960. The Chairman of the Malayan Commission suggested that in order to allow the elections to be held within the stipulated time, the qualifications of electors to the District Councils should include all resident adult Bruneis as defined in the Constitution,⁶⁵ and holders of residence permits, who were mainly Chinese. The Sultan and his Committee rejected the suggestion. Instead they felt that the qualifications should follow those laid down for Brunei nationals in the Nationality Law, which was still under consideration. For that reason the Committee recommended that the Nationality Law must be enacted some

⁶³BA/13229/1978, SUK/249/49/60 A, "Report of the Select Committee appointed to examine the First Draft Nationality Bill", 1 October 1960.

⁶⁴*The Borneo Bulletin*, 20 August 1960.

⁶⁵In the Constitution "Bruneis" comprised the following races: Belait, Bisaya, Dusun, Kedayan, Malay, Murut, and Tutong.

time during October 1960 if the elections were to be held by June or May 1961 as recommended by the Malayan Elections Commission. However the Committee agreed that the election of members of the District Councils to the Legislative Council should be delayed until September 1961 in order that Members should have an opportunity to assess the merits of candidates for election. In view of the difficulty of finding suitable persons to form an Election Commission, the Malayan delegation recommended that the Sultan appoint one person to be an Election Commissioner and another to be Supervisor of Elections responsible to the Commissioner. But the Committee wanted an independent commission to be appointed consisting of a Chairman and four members, and proposed that two of the members be drawn from the Federation of Malaya, one of whom would be Chairman of the Commission. These recommendations were approved by the Executive Council during its meeting on 31 August and 1 September 1960.⁶⁶

Subsequently, on the anniversary of the promulgation of the Constitution, the Government confidently announced that the District Council elections would be held at the end of August 1961. It also announced that after the elections the Elected members of District Councils would elect from among their members representatives to the Legislative Council which would form an unofficial majority in the Council.⁶⁷ It was agreed in the Executive Council that Members nominated by the Sultan to the District Councils should not exceed twenty-five per cent of the total Elected members.

⁶⁶BA/13808/78, "Executive Council Paper No. 286/1960 - Proposals for holding Election", 31 August 1960. The Chairman of the Malayan Elections Commission submitted his full report in the middle of September 1960. See: BA/13809/78, Executive Council Paper No.313/60.

⁶⁷*The Borneo Bulletin*, 1 October 1960.

It was also agreed that the Nominated members should have the same rights as the Elected members except they could not vote on the election of their members to the Legislative Council.⁶⁸ However the Sultan told White that the timing of the election was subject to agreement on the Nationality legislation.⁶⁹

When the Second Draft of the Nationality Bill i.e. the draft produced by the Nationality Committee at the end of its meetings in September, was brought up in the Executive Council in October 1960 for consideration, it was strongly attacked by Jamil bin Umar,⁷⁰ an Unofficial member of the Council and a member of the Nationality Committee. Jamil claimed that he was not present during any of the Select Committee's meetings but was forced by other members to sign the document. White said the members of the Executive Council, including himself, "spent seven hours arguing with Jamil", who wanted to introduce amendments to the draft bill, which the High Commissioner said aimed at excluding Chinese and went much further than the second draft of the bill.⁷¹ Consequently the Executive Council decided to defer its decision to adopt the Select Committee's draft Bill, but agreed to publish it as drafted in the Government's Gazette before its introduction in the Legislative Council. It also agreed to forward a copy of the Bill to the Secretary of State "for his information and comments".⁷² Meanwhile the High Commissioner had written to the *Menteri Besar*

⁶⁸CO 1030/1402, item 4, "Extract from Brunei Political Intelligence Report for September, 1960".

⁶⁹*Ibid.*

⁷⁰For a biographical note see Appendix I.

⁷¹CO 1030/1402, item 8, White to W.I.J.Wallace, 17 October 1960.

⁷²BA/13229/1978, SUK/249/60 A, "Extract of Minutes of Executive Council Meeting held on 12 October 1960". See: CO 1030/1402, item 11, D.C.White to the

expressing concern over the question of the statelessness of certain persons which might result from the proposed Nationality legislation.⁷³

The draft proposed Brunei Nationality Law provided that Brunei nationality could be acquired by three methods: by operation of law; by registration; and by naturalisation. It proposed that only the indigenous races of Brunei qualified for acquiring citizenship by operation of law. They comprised: Belait; Bisaya; Dusun; Kedayan; Malay; Murut; and Tutong. All others besides these seven groups were considered foreigners and had to acquire Brunei citizenship either by registration or naturalisation. For registration, a person had to be born and to have resided in the State for fifteen out of the past twenty years; and for naturalisation, they must have resided in the State twenty out of the past twenty-five years. Besides these qualifications the person had to be able to speak the Malay language with proficiency. A language board was to be established to assess the applicant's ability.⁷⁴ White believed that under these rules a large number of Brunei residents, largely British Protected Persons and Chinese would not qualify.⁷⁵

Secretary of State, 29 October 1960.

⁷³BA/13449/1978, SUK/249/49/60 A, "Notes dictated by Attorney-General on 22nd. November, 1960".

⁷⁴BA/13229/1978/49/60 A, Appendix B of the "Report of the Select Committee appointed to examine the First Draft Nationality Bill", 1 October 1960.

⁷⁵During the London talks the Secretary of State had told the Sultan that he was anxious that the loyalty of Brunei people should be focused on the Sultan and the State but he would not want them to be deprived of their British protected status. The Sultan assured the Secretary of State that measures taken on this particular question would give fair treatment to the people loyal to the country. See CO 1030/526, item 13, Summary Record of the Fourth Plenary Meeting, 26 March 1959

When the draft nationality Bill was published in November 1960, there were adverse reactions, not only from the people who were affected by the proposed legislation, but also from the PRB. The PRB threatened to bring ten thousand of its members and supporters into the street to stage "a mammoth torchlight procession, followed by a mass meeting of protest" unless the Government made amendments to the Bill.⁷⁶ But the demonstration was never held. The Government attempted to ease the tension by announcing that it was prepared to consider the views of the public, associations or political parties on the provisions of the Nationality Bill. It urged the public to submit their petitions and memoranda without delay to enable it to introduce the Bill in the Legislative Council by the end of the month.⁷⁷ By the end of November 1960 the Government had received six memoranda, of which two were from political parties: the PRB, and the Pertubuhan Kebangsaan Brunei (Brunei National Organisation - BNO); three from associations: the Persakutuan Kebajikan Dusun (Welfare Association of Dusun), the Chinese Chamber of Commerce, and the Indian Association Seria-Belait; and one from a member of the public: Awang Matali bin Omar Inchi of Kuala Belait.⁷⁸

⁷⁶CO 1030/1403, item 22, "Extract from the Brunei Political Intelligence Reports October 1960". See: *The Borneo Bulletin*, 5 November 1960.

⁷⁷BA/13229/1978, SUK/249/49/60 A, "Executive Council Paper No.403/60"; *The Borneo Bulletin*, 12 November 1960. Azahari said he was told by the High Commissioner to cancel his plan to hold the demonstration because he feared such a demonstration, which was to be held at night with demonstrators carrying sharp bamboo torchlights would lead to violence. The High Commissioner, instead, advised him to express his and his supporters grievances through a petition to the Government. Interview with Azahari, February 1993.

⁷⁸BA/13229/1978, SUK/249/49/60 A, "Executive Council paper No.403/60 - The Nationality Bill", 30 November 1960.

In the light of strong reactions and petitions from the public the Sultan decided to invite representatives of the petitioners to discuss their grievances.⁷⁹ At the end of November 1960 the Sultan decided to defer the introduction of the Nationality Bill in the Legislative Council. He organised the Executive Council into a Special Committee by adding members of the former Select Committee who were not members of the Council - including a Chinese Unofficial member of the Legislative Council - to listen to the people's representations and to reconsider the Nationality Bill. In view of the importance of the Bill the Sultan insisted that he should chair the meetings of the Committee, against the advice of his advisers.⁸⁰

In December 1960 the representatives of the petitioners were invited to present their views and proposals to the Special Committee. The PRB was led by its President, Azahari. The main proposals of the PRB were that the Ibans, who were not recognised as the indigenous race of Brunei by the Nationality Bill, should be given citizenship by operation of law like the other seven indigenous races; that the residential requirements of 20 out of 25 years for naturalisation should be reduced to 10 out of 15 years, and that children born in Brunei, whatever their parentage, should be entitled to citizenship.⁸¹ Azahari's main theme was that generous treatment would provide a better chance of assimilating non-Bruneis. He said that it was his party's policy to bring the three territories together, under the Sultan as a Constitutional Ruler,

⁷⁹CO 1030/1403, item 30, "Extract from Brunei Intelligence Report for November 1960".

⁸⁰BA/13229/1978, SUK/249/49/60 A, "Extract of Minutes of Executive Meeting held on 30 November, 1960".

⁸¹Note: Azahari himself was not included in the seven indigenous groups. He was born in Brunei. His father was an Arab, who married to a local Malay woman. For a biographical note see Appendix I.

and the exclusion of the Ibans, the largest indigenous population of Sarawak, was unjustified and would create ill-feeling and drive Brunei and Sarawak apart. He insisted, however, on a good knowledge of the Malay language.⁸²

The Chinese and Indians submitted petitions for less stringent conditions for registration and naturalisation. The Indians, whose representative admitted his total inability to speak Malay and asked permission to speak in English, took the line that they were a small community and posed no danger to the Malays (in contrast with the Chinese) and therefore should be exempted from language tests and other provisions. The Chinese sent the largest delegation, but as the High Commissioner said, they were "not impressive". They blandly admitted that, though many of them had lived in Brunei for many years, few if any spoke sufficiently good Malay to qualify and asked that this requirement should be waived.⁸³

However, as White told the Colonial Office, no Malay was prepared to be liberal over the language issue and, unless the Chinese really got down to the task of learning Malay, many would be made stateless. He added that Malay nationalism, and genuine apprehension regarding Chinese, offered little hope of obtaining a more liberal policy.⁸⁴ Earlier the Secretary of State, who had received the draft Nationality Bill, expressed his concern that a number of persons would become stateless when the Bill became law and hoped that the Bill might be modified to prevent hardship to loyal residents. He told White: "It is the policy of H.M.G. not to be a party to any

⁸²CO 1030/1403, item 31, White to W.I.J.Wallace, 14 December 1960.

⁸³CO 1030/1403, item 36, "Extract from the Brunei Political Intelligence Report December 1960".

⁸⁴CO 1030/1403, item 36, "Extract from the Brunei Political Intelligence Report December 1960".

legislation which results in any person becoming stateless".⁸⁵ When White reported to the Executive Council of the anxiety of the Secretary of State with regard to the Bill, and his position as to final wording of the Enactment, it "sparked off an outburst on the right of H.M.G. to dispose of people's birth right".⁸⁶ White said the Sultan himself had stated that:

"nationality is the birth right of his people and, before non-Bruneis can share it, he must be certain that the recipients of his bounty are worthy of it. This involves a strict test of a candidate's knowledge of the Malay language and a proficiency in speaking it."⁸⁷

The High Commissioner believed that the Sultan and his Council were motivated as much by genuine fear of the Chinese, as by Malay nationalism. However he said that:

"in fairness to the Malays, I have to admit that the vast majority of the Chinese have shown not the slightest wish to learn Malay, or get to know them. Even the delegation chosen to represent the Chinese Community, the Chambers of commerce, etc., committed ruthless massacre of the Malay language in their valiant efforts to put over their case in Malay. The Indian representative frankly admitted that he could not speak Malay and asked permission to speak in English".⁸⁸

In February 1961 White suggested to Colonial Office that a letter from the Secretary of State might be helpful in changing the Sultan's position and he enclosed

⁸⁵CO 1030/1403, item 24, Secretary of State to White, 25 November 1960.

⁸⁶CO 1030/1403, item 29, White to E.Melville, 6 December 1960.

⁸⁷*Ibid.*

⁸⁸CO 1030/1403, item 31, White to Wallace, 14 December 1960.

a draft letter for the signature of the Secretary of State.⁸⁹ By that time there was already less optimism about holding the elections by August 1961. In November 1960 the Attorney-General informed the Legislative Council that elections to District Councils could still be held, though the proposed Nationality Enactment had not been passed, but voters would be limited to the people mentioned in the Constitution i.e. Bruneis.⁹⁰ White advocated that the elections be delayed so that the Nationality Bill could be considered in a leisurely manner. However the Sultan who was apprehensive of criticisms for breaking his promise to hold the elections within two years after the promulgation of the Constitution, agreed to the postponement of the elections. No public announcement however was to be made till the inevitability of postponement became obvious.⁹¹

The Special Committee completed its sittings in the middle of February 1961. The draft Bill was then sent to the Attorney-General who was in Kuala Lumpur to tidy it up with Hickling, the Malayan Parliamentary draftsman, who was apparently helping the Brunei Attorney-General unofficially in his task.⁹² The Bill was only returned by the Attorney-General in early March 1961.⁹³ By that time the High Commissioner had

⁸⁹CO 1030/1403, item 34, White to Wallace, 1 February 1961.

⁹⁰*The Borneo Bulletin*, 26 November 1960.

⁹¹CO 1030/1403, item 44, "Extract from Political Intelligence Report February 1961".

⁹²BA/13229/1978, SUK/249/49/60 A, State Secretary to Attorney-General, 20 February 1961.

⁹³BA/13229/1978, SUK/249/49/60 A, the Attorney-General to the State Secretary, 6 March 1961.

already lost hope in his endeavour to get a liberal Nationality Bill. He wrote to the Secretary of State:

"I do not think that there is any hope of obtaining more liberal treatment for Chinese over Nationality, except with a sledge hammer, which means sanctions of some kind, and I can think of no sanction which would not be highly prejudicial to British interests".⁹⁴

As he was certain that no arguments would persuade the Sultan and his advisers to be more liberal he withdrew his suggestion of personal a letter from the Secretary of State to the Sultan.⁹⁵ It was for this reason that officials from the Colonial Office, Home Office and Foreign Office decided to discuss the nationality issue in London and to explore the possibility of lessening the impact on those persons who would cease to be British Protected Persons.⁹⁶

In May 1961 a meeting of the three Departments was held in the Colonial Office to discuss the issue. The meeting was attended by T.Mackie, an Immigration Officer and Registrar of Citizens of Brunei. Mackie told the British officials that the number of British Protected Persons, who would be rendered stateless by the new Brunei Nationality legislation was unlikely to be more than a few hundred. Because the number of persons affected was small the meeting decided to continue to give British passports and to afford protection abroad to those affected. They would not be subject to the Aliens Order in the United Kingdom and would be British protected

⁹⁴CO 1030\1447, item 11, White to Iain MaacLeod, 1 March 1961.

⁹⁵CO 1030/1403, item 40, White to E.Melville, 18 March 1961.

⁹⁶CO 1030/1403, Minute by H.Nield, 22 March 1961.

Persons.⁹⁷

By the end of May 1961 the High Commissioner observed that there was a marked decline in the interest of the Sultan in the Nationality Bill. He wondered whether Tunku Abdul Rahman had spoken to the Sultan about his Malaysia Plan. He also said that neither the Attorney-General nor the State Secretary seemed anxious to push things along. He believed that both Malayan officers were hoping to get back to Malaya before the elections and saw no reason to tackle the heavy work involved.⁹⁸ As seen in the previous section the Malaysians had requested to be transferred back home because they felt that they were mistreated by the Bruneis and also feared that they would be passed over for promotion in their country.⁹⁹ Whether the decline in interest on the part of the Sultan and the Malayan officers in pushing the Nationality Bill was caused by the Tunku's Malaysia Plan had yet to be seen. But the result of that inaction was that the elections, which was scheduled for September 1961 could not be held. As will be seen in the next chapter the delay in holding the elections caused tremendous tension in the State which almost exploded into a crisis.

⁹⁷CO 1030/1403, item 59 E, "Note of a Meeting held at the Colonial Office on Tuesday, 16th.May, to discuss the proposed Nationality Enactment".

⁹⁸CO 1030/1447, item 24/25, White to E.Melville, 30 May 1961.

⁹⁹See page 261.

CHAPTER 7

THE MALAYSIA PLAN AND THE FIRST BRUNEI ELECTIONS

Brunei's politics in the period 1961 - 1962 was dominated by the issues of Malaysia and the elections. The plan to hold the elections two years after the promulgation of the Constitution in September 1959 became entangled with the Malaysia Plan put forward by Tunku Abdul Rahman, the Prime Minister of the Federation of Malaya, in May 1961. It was a plan to bring Singapore and the Borneo territories of Brunei, North Borneo and Sarawak into a form of federation with Malaya. The Partai Rakyat Brunei (PRB) opposed the Malaysia Federation and proposed instead the formation of an independent Borneo Federation consisting of Brunei, North Borneo and Sarawak. This chapter examines the impact of the Malaysia Plan on Brunei politics which determined the outcome of the elections and, ultimately, the development of the Constitution itself.

7.1 The Alignment of Brunei with the Federation of Malaya

After attaining internal self-government with the coming into operation of the new Constitution in September 1959, the prospects of Brunei's participation in the British plan for a "closer association" of the Borneo territories became more remote. Apprehensive of being coerced into accepting the plan, made public in February 1958, the Sultan aligned Brunei with the Federation of Malaya. As seen in the previous chapter he replaced almost all British officers in the Brunei Civil Service, who were

mainly from the Sarawak Establishment, with Malay officers from the Federation. He personally cultivated close relations with the Federation's leaders, particularly with Tunku Abdul Rahman, and its Rulers. He sent his children there for education and spent extensive holidays in Kuala Lumpur.

The Sultan's move to align Brunei with the Federation was received with enthusiasm by the Malayan leaders, particularly Tunku Abdul Rahman, as reflected in their readiness to second senior officers to Brunei when their own Administrative Service was facing an acute shortage.¹ For the Tunku, Brunei's alignment not only benefitted the Federation financially, since Brunei had given Malaya a generous loan of one hundred and forty million (Malayan) dollars,² but also facilitated his plan to bring the British Borneo territories into the Federation. The Tunku told Malcolm MacDonald privately in December 1958 that he thought his Government was ready to contemplate Singapore and the three Borneo territories becoming units in the Federation of Malaya. The Tunku, who had been under pressure from the British to bring Singapore into the Federation, said the Malays would not consider a merger between Malaya and Singapore alone because the predominant Chinese population of Singapore would reinforce the Chinese in Malaya and was likely to lead to Chinese political predominance. However, he said, he would accept such a federation if it included the three Borneo territories because the non-Chinese population in those areas would be a counter-weight to the Singapore Chinese. The Tunku was also concerned with the Philippines' claim over North Borneo and he anticipated that at some future

¹In fact the secondment of the officers to Brunei was taken against the advice of the Federation's Establishment Department. See page 259.

²The first loan of forty million dollars was given in 1956 and the second loan of one hundred million was given in 1958.

date Indonesia would make a claim to Sarawak and Brunei. Therefore he felt that a larger federation would not only resolve Malaya's difficult relations with Singapore but also help in the defence of the whole area.³

As seen in Chapter 1 a plan for a federation of all British territories in Southeast Asia had been contemplated by Whitehall during the wartime period and in the early fifties by Malcolm MacDonald, when he was the British Commissioner General in the region, but due to the different levels of development between the territories the idea was shelved. Instead the British hoped to bring the less developed Borneo territories together before attempting the "Grand Design". However the proposal for the Borneo "closer association" had never taken off because of the Sultan's refusal to commit Brunei to the plan.⁴

The Brunei/Malaya alignment produced different reactions from the British officials in the region. Sir Roland Turnbull observed in October 1959 that an identification of Brunei with Malaya could introduce "a tiresome political complication in the affairs of the British territories". He urged every endeavour to avoid such an eventuality. He also rejected a closer association of the Borneo territories independently of Brunei.⁵ On the other hand, Dennis White, the High Commissioner

³DO 35/1009, item E/3, Note on a Talk [between Malcolm MacDonald] with the Prime Minister of Malaya, 22 December 1958. The fact that the Tunku invited MacDonald for the private talk was prompted by a warning he received from the British Ambassador in Manila that when he arrived there he would be asked either by pressmen or by the Filipino authorities about the Philippines' claim on North Borneo. The Tunku visited the Philippines in January 1960 to promote his plan to set up a non-military Association of Southeast Asian Countries.

⁴See Chapter 5 above for discussion on the Borneo "closer association" proposals.

⁵CO 1030/558, E/192, Memorandum on Closer Association by R. Turnbull, 21 October 1959. Sir Roland Turnbull left North Borneo, where he was the Governor since June 1954, in October 1959.

for Brunei, noted that "an identification of interests between Malaya and Brunei could act as a brake on Indonesian designs on Sarawak and North Borneo". In his view Brunei, North Borneo and Sarawak should be left to develop on their own; that they should not close the door to "closer association" with each other or Malaya but should not encourage it.⁶ Sir Anthony Abell, at the end of his Governorship in Sarawak, in December 1959, expressed concern that if Brunei were to become the twelfth state of Malaya it would become "a focus for Malay discontent or Malay irredentism throughout Borneo" and suggested that nothing should be done to encourage a closer relationship between Brunei and Malaya. He felt that a closer association of Brunei, North Borneo and Sarawak was in the best interests of those territories.⁷ Sir Dennis Allen, the Deputy Commissioner General for the United Kingdom in Southeast Asia, believed that the problems that would arise in the event of the identification of Brunei with Malaya would be a "lesser evil" and more readily resolved than if Brunei turned to Indonesia. He suggested that the Sultan's ideas for closer ties with Malaya should be regarded, "if not with benevolence, at least with equanimity".⁸

In January 1960 the Brunei/Malaya alignment was discussed by British officials in "a side talk" at the Eden Hall Conference in Singapore. There was anxiety that the Sultan of Brunei was going to make a sudden move to merge his State with the Federation of Malaya so that he might become the Yang di-Pertuan Agong, the

⁶CO 1030/558, item E/191, Memorandum on Closer Association by D.C.White, 27 October 1959.

⁷CO 1030/558, item 195, Sir Anthony Abell to F.D.Jakeway, 2 December 1959.

⁸CO 1030/558, item E/193, Closer Association between the British Borneo territories by D.Allen, 7 December 1959.

Paramount ruler of the Federation.⁹ The British High Commissioner in Kuala Lumpur had reported to London that there had been speculation amongst well-placed Federation civil servants that the Tunku would like to see the Sultan of Brunei become the second Yang di-Pertuan Agong, after the expiry of the current Agong's five-year term in 1962. This could however happen only if Brunei became part of the Federation.¹⁰ Although the discussions at the Singapore Conference ended inconclusively there was a demand for the formulation of a policy in the event Brunei sought a union with the Federation.¹¹

However by April 1960 the likelihood of a sudden move towards Malaya on the part of the Sultan may have been reduced by the death of the first Agong of the Federation which was followed by the election of a successor for a full five-year period. Moreover there had been considerable opposition in Brunei to the Brunei/Malaya merger. This was evident from the hostile attitude of the local people to the appointment of Malayan officers to senior posts in the Brunei Civil Service. Dennis White believed that the support for the Sultan's merger plan came only from a few of his closest adherents, and it was probable that he would jeopardise his throne if he tried to force the plan. The High Commissioner said the Sultan and the Malayan

⁹DO 35/10019, item E/1, Record of Meeting on Borneo territories held at Phoenix Park, Singapore 23 January 1960. The Eden Hall Conference, which was chaired by the Commissioner General for the United Kingdom in Southeast Asia, was held annually and attended by all British representatives and military commanders in the region.

¹⁰DO 35/10019, "Sir Geoffrey Tory's views on the possibility of a wider Federation of the Borneo territories, the Federation of Malaya and Singapore", nd., the Commonwealth Relations Office's paper.

¹¹DO 35/10019, item E/1, Record of Meeting on Borneo territories held at Phoenix Park, Singapore 23 January 1960.

leaders were aware of the local reactions and neither wished to press the issue for the time being.¹²

The most formidable opposition to the Brunei/Malaya merger came from the PRB. Probably apprehensive of the Sultan's alignment with Malaya, the Party's Third Congress passed a resolution in February 1960 calling for a federation of North Borneo, Sarawak and Brunei.¹³ The Party rejected the "closer association" of the territories as proposed by the British, because it wanted a Borneo Federation, as its leader, Azahari, put it, "on a basis of national inspiration and not on colonial inspiration". In contrast to the Sultan's policy, the PRB wanted the Borneo Federation to move closer to Indonesia on the "basis of peaceful coexistence and cooperation in economic matters and defence".¹⁴

In order to garner support for this proposal the PRB invited the leaders of the Sarawak United People's Party (SUPP) to their third Congress.¹⁵ Azahari explained that the Borneo Federation which his Party envisaged was a federation "without impairing the status or the past glories of the territories". Stephen Yong, the Chairman of the SUPP, liked the idea, and he proposed that the name "Brunei" could be made a unifying factor. As an initial step Azahari proposed the formation of a united

¹²CO 1030/558, item E/191, Memorandum on Closer Association by D.C.White, 27 October 1959.

¹³*The Borneo Bulletin*, 20 February 1960.

¹⁴*The Borneo Bulletin*, 23 January 1960.

¹⁵SUPP, which was formed in 1959, was the first political party in Sarawak and the second in the British Borneo territories after the PRB, which was formed in January 1956. Although it claimed to be a multi-racial party, its leaders and members were predominantly Chinese. See: CO 1030/1027, Cobbold Report, Part A, paragraph 79.

political front consisting of the SUPP, the PRB and the leaders of North Borneo.¹⁶ This proposal was further discussed in June 1960 during the SUPP Congress between the leaders of the PRB and SUPP. They agreed to form a "Pan-Borneo Congress" - a permanent body representing political and semi-political organisations in the three territories. Azahari said the proposed congress "would be a policy-making body and it would seek by constitutional means to build one nation of the peoples of Sarawak, North Borneo and Brunei". As a first step towards organising such a Congress, a joint consultative committee was formed by the two parties.¹⁷

Understandably the British did not want to use the support of the PRB and the SUPP to promote their own policy of "closer association". In Brunei they might antagonise the Sultan, who wanted to have nothing to do with the PRB; and in Sarawak they might antagonise the natives by appearing to support the Chinese-dominated SUPP. Moreover both parties were left wing oriented: the PRB was looking to Indonesia, and the SUPP to Singapore. Instead, the new development provided the occasion for an urgent reassessment of the British policies, particularly in view of the desire of Sultan and Tunku Abdul Rahman for closer relations. Thus in May 1960 a meeting was held in London between the Colonial Office, the Commonwealth Relations Office and the Foreign Office, to discuss these problems. The meeting recognised that it had been British policy that the peoples of North Borneo and Sarawak should, subject to their own wishes, ultimately achieve self-government. However because of the geographical position and their racial make-up,

¹⁶*The Borneo Bulletin*, 20 February 1960. There was no political party in North Borneo until August 1961 when the United National Kadazan Organisation (UNKO) was formed under the leadership of Donald Stephen.

¹⁷*The Borneo Bulletin*, 25 June 1960.

the British believed that North Borneo and Sarawak were too vulnerable to stand alone. They feared China, Indonesia and the Philippines might step in when Britain withdrew. They also believed that an association of North Borneo and Sarawak would not be strong although the inclusion of Brunei could make it more viable. However, they recognised that there was no prospect in the foreseeable future of Brunei joining an association with North Borneo and Sarawak. For these reasons they concluded that the most hopeful solution would be an association of the Federation of Malaya, Sarawak, North Borneo and Brunei, with, if possible, Singapore, which might stay within the Commonwealth. However they emphasised:

"There is no question of H.M.G. wanting to get out [of North Borneo and Sarawak] in the near future. To do that prematurely would be the exact reverse of helping the territories, where we still have an immense task before us of trying to bring forward the indigenous people to a level where, subject to their innate capabilities, they have the opportunity to compete with the Chinese on reasonably equal terms in political and economic life".¹⁸

However on the question of a Brunei/Malaya merger, if it eventuated, they would not resist it "since it would be a step towards the ultimate goal of a wider federation". Therefore their policy on such a merger was "benevolent neutrality". However they hoped it would happen "later than sooner" because they feared that a Brunei/Malaya merger might cause the Malays in Sarawak to begin looking the same way.¹⁹

The meeting also considered the question of "closer association" between Sarawak and North Borneo if Brunei were left aside. They believed that it fitted in

¹⁸DO 35/10019, item 39A, J.M.Martin to Sir Dennis Allen, 18 May 1960.

¹⁹*Ibid.*

with the general aim of achieving the wider federation. But they did not want to hurry it, on the one hand, for fear of pushing Brunei more quickly into the arms of Malaya, and on the other, for fear of a negative reaction from the indigenous races. They believed that the enthusiastic expression of Chinese opinion in favour of "closer association" of the Borneo territories had already frightened the indigenous races. However they believed that "closer association" between North Borneo and Sarawak "should be pursued by every reasonable means".²⁰

In June 1960, when the leaders of the PRB and the SUPP were discussing their Borneo Federation Plan, Tunku Abdul Rahman approached the Colonial Office with a plan of his own to bring the Borneo territories into the Federation of Malaya. This plan was later to become the Malaysia Plan. Having formed its policy the previous month the Colonial Office told the Tunku that the Borneo territories were not ready to join the Federation. Realising that the British were not enthusiastic about his "Malaysia Plan" the Tunku then asked what their attitude would be if the Sultan of Brunei asked to join the Federation. Before the British official respond the Tunku told him that "the Sultan had shown nervousness himself at this [Brunei/Malaya merger]", because "he thought it might cost him [the Sultan] money". The British official said he had the impression that the Tunku "had in fact pressed the Sultan quite hard to be a member of the Federation and that the Sultan had held back, even though there was in front of him the possibility of his one day being Yang di-Pertuan Agong".²¹ The Tunku was told that it must be something for the people of Brunei themselves to

²⁰*Ibid.*

²¹DO 35/10019, item 44, Note of Lord Perth's talk with Tunku Abdul Rahman on 10 June 1960.

decide. The Tunku also suggested that Brunei and Sarawak should join the Federation, while the British Government remained in North Borneo to develop it economically and use it as a military base. The British official gave the Tunku impression that Britain was neither for nor against the general principle.²²

Following this discussion Tunku Abdul Rahman was reported as telling Brunei students in London that the time was not too far when Brunei would become an integral part of the federation of Malaya. Without taking into account the sensitivity of Brunei feelings he told them that "Brunei was too small to become an independent state and equally too small to become a member of the Commonwealth of Nations".²³ He said he was waiting for "the green light signal" from the Colonial Office to start discussions with the Sultan on the admittance of Brunei into "full partnership with other States in the federation".²⁴ The Tunku's statement was criticised by the people in Brunei. Following the criticism the Sultan issued a statement denying he held talks with the Tunku on the matter. The *Menteri Besar*, who also denied knowledge of such discussions said "Brunei could apply to join the Commonwealth if and when the country achieved full independence".²⁵

Azahari responded by declaring that his Party aimed to bring about an independent federation of the three Borneo territories and called on the Tunku to support the idea.²⁶ Towards the end of the year the PRB sought to amend its

²²*Ibid.*

²³*The Borneo Bulletin*, 25 June 1960.

²⁴*Ibid.*

²⁵*The Borneo Bulletin*, 2 July 1960.

²⁶*The Borneo Bulletin*, 9 July 1960.

constitution to make membership of the Party open to Sarawak and North Borneo citizens and to work for the reunification of the three territories with the Sultan as a constitutional ruler. However the PRB's application which was to be tabled in the Executive Council was withdrawn on the advice of the High Commissioner, who pointed out that the Sultan should not be embroiled in politics, and the approving of the proposed amendments would be in conflict with his treaty obligations.²⁷ Meanwhile, in December 1960, the Legislative Council passed a resolution calling for the date for independence of Brunei to be set for 29 September 1965, i.e. six years after the promulgation of the Constitution.²⁸ This was followed in January 1961 by Azahari's speech at a public rally to celebrate the fifth anniversary of his Party, declaring that if his Party won the elections with a big majority he would asked for the country's independence by June 1963.²⁹ The declaration of the date of independence by both the Legislative Council, which represented mainly the educated opinion, and the PRB, which represented the masses, clearly indicated rejection of any plan to merge the Sultanate with the Federation of Malaya.

Certainly the preemptive statement of Tunku Abdul Rahman had not helped the Sultan in his policy of bringing Brunei closer to Malaya. In January 1961 White said:

"The Sultan's policy, if it did not have any enthusiastic support from his closest advisers, certainly did not have their opposition, but recently there had been signs that even his advisers shared the dislike of the Malaysians and it was

²⁷CO 1030/1447, item 3, White to E.Melville, 31 December 1960.

²⁸*The Borneo Bulletin*, 31 December 1960.

²⁹*The Borneo Bulletin*, 28 January 1961.

becoming increasingly doubtful if the Sultan would be able to gain much support for his plan for closer association with Malaya.³⁰

The High Commissioner was worried about the development. He believed that if the Sultan decided to join in some form of association with Malaya but failed to carry his people with him, it might cause him to lose his throne. He told the Secretary of State that: "The most intelligent approach to the future was that of the Party Rakyat and, in consequence, one can look forward to the elections with less apprehension than was possible a few months ago".³¹ As seen in the previous chapter, White and Lord Selkirk, the Commissioner General, had suggested in February 1960 that the Sultan should not be encouraged to "expedite the introduction of democratic methods" until the Civil Service began to take shape.³² But because of the rise in opposition to the Sultan's policy of closer association with Malaya, White thought the elections should be held as planned to test the people's view on that policy.³³

The PRB, which stood diametrically opposed to the Sultan's policy, was apprehensive that the Sultan might effect the Brunei/Malaya merger before the elections were held. In March 1961 there had still been no indication from the authorities that the elections would be held by September, as provided by the Constitution. In fact their apprehension was justified when *The Borneo Bulletin* reported on 11 March "rumours circulating in high quarters" that it was probable the

³⁰CO 1030/1447, item 5, White to I.MacLeod, 30 January 1961.

³¹*Ibid.*

³²See page 266.

³³CO 1030/1447, item 5, White to I.MacLeod, 30 January 1961.

elections would be put off for some time.³⁴ As a result of this uncertainty the more militant element in the Party demanded tougher action. However the "moderate" element, led by Azahari favoured a constitutional means of achieving their aims. Apparently it was this split which caused Azahari's resignation in April 1961.³⁵ He resigned because "he did not agree with the politics of the PRB" and went off to Singapore to attend to his business.³⁶

7.2 The Sultan, Tunku Abdul Rahman, Azahari and the British

While emotions in Brunei were still high against the merger proposal, the Tunku came up again with his Malaysia Plan when he spoke publicly at a press luncheon of the Foreign Correspondent's Association of Southeast Asia in Singapore on 27 May 1961. He proposed that Brunei, North Borneo, Sarawak, Singapore and Malaya be brought closer together in political and economic cooperation.³⁷ The reaction in Brunei was swift and critical. The PRB reiterated that it was not interested in becoming another state within Malaya. They would only consider the Tunku's plan after the Borneo territories became united and independent; and even then not as a

³⁴*The Borneo Bulletin*, 11 March 1961.

³⁵CO 1030/1447, item 36, White to E.Melville, 15 June 1961.

³⁶*The Borneo Bulletin*, 15 April 1961.

³⁷*Straits Times*, 29 May 1961. For discussions on the formation of Malaysia Federation see Mohammad Nordin Sopiee, *From Malayan Union to Singapore Separation: Political Unification in the Malaysia Region 1945-1965*, Kuala Lumpur, Penerbit Universiti Malaya, 1974 and Simanjuntak, B., *Malayan Federalism 1945-1963: A Study of Federal Problems in a Plural Society*, Kuala Lumpur, Oxford University Press, 1969.

mere unit in the Federation, but as a partnership of equals. A similar response came from the SUPP in Sarawak, which wanted Brunei to take the lead towards the federation of the three Borneo territories. In rejecting the Tunku's merger plan the *North Borneo and Sabah Times* (which was owned by Donald Stephen, the leader of the largest ethnic group, the Kadazans, and a member of the North Borneo Legislative Council) suggested that the Sultan of Brunei could become the constitutional head of the federated Borneo territories.³⁸

The Tunku's public utterance had rallied the members of the PRB behind their leader, Azahari. In mid-June 1961, Azahari suddenly reappeared in Brunei leading his Party in a Joint Rally with the Barisan Buruh Bersatu Brunei or the Brunei United Labour Front (BULF). The BULF, which had been formed the previous year, had been for some time agitating over a pay dispute in the Government's Public Works Department and over the retrenchment policy of the Brunei Shell Petroleum Company (BSPC).³⁹ The PRB brought in the labour movement as a show of solidarity and to prove to both the Government and the oil company that the Party could exert pressure by way of a general strike if their demands were not met. The PRB demanded that the Government publish the Nationality Bill and set a date for the elections.⁴⁰ The

³⁸*North Borneo and Sabah Times*, 3 June 1961.

³⁹The BULF was formed on 29 May 1960. The aim of the central labour body was to protect workers in the State. On its formation, the BULF was pressing for the Government to introduce trade union legislation. Most of the leading members of the labour movement were the leaders of the PRB, who included, Azahari (the President of the PRB) was the Honorary Adviser; Yassin Affandi (the Secretary General of the PRB) was the deputy President; and Hapidz Laksamana (the deputy President of the PRB) was the Secretary General. See *The Borneo Bulletin*, 4 June 1960.

⁴⁰See Section 6.3 for a discussion on the Nationality Bill and proposal to hold elections.

BULF passed resolutions urging the BSPC to reconsider its retrenchment policy, and called upon the Government to bring about a labour policy which would ensure the well-being of the workers.⁴¹ Although there was no direct reference to the Tunku's Malaysia Plan, the urgent call to hold the elections indicated the PRB was anxious about the merger.

The atmosphere became more tense when Tunku Abdul Rahman became personally involved in the dispute between some of the Malayan officers and local Bruneis. As seen in the previous chapter, in mid-June 1961 the Malayan officers resigned en masse and appealed to the Tunku for their immediate withdrawal from Brunei. The incident which sparked the resignation was an assault on one of the Malayan officers, Mohammad Yakin bin Haji Long, a forest officer, by some local men over a dispute of a forest permit.⁴² Initially the incident and the resignations of the Malayan officers had been treated as a private matter. In fact the incident, which occurred five days before the Joint Rally, passed without notice from the PRB. It was not until the Tunku became involved, and brought the PRB into the scene, that the whole affair became politically significant.

On 25 June 1961, the Tunku, without making thorough investigations, made a press statement alleging that "a group of thugs belonging to a political party" was responsible for the incident which led to the resignation of his officers.⁴³ The PRB

⁴¹CO 1030/1447, item 42, White to E.Melville, 21 June 1961; *The Borneo Bulletin*, 24 June 1961.

⁴²See pages 261-262.

⁴³CO 1030/1447, 76/E, "An Appreciation of Recent Events in Brunei", nd. It was prepared by the Special Branch Officer and approved by the High Commissioner. The report was sent to the Security Intelligence Far East and the Colonial Office on 22 July 1961. See item 76 on the same file. The Bruneis involved in the assault

in response accused the Tunku of sending Malayan officers to "colonise Brunei" and warned that if he tried to do that, he would have "to do it by force and that bloodshed would result".⁴⁴

In early July 1961 the Tunku visited Brunei on the pretext of investigating the reasons behind his officers resignation. In fact, he was trying to sell his Malaysia Plan, which he had sent to London the previous week (See page 300). He told his Malay audience that the aim of his Malaysia Plan was to bring together all the Malays in the three Borneo territories. Later when he called at Kuching on his way back to Kuala Lumpur, he said the three Borneo territories would have equality with the other eleven States in the Federation. By talking about his Malaysia Plan publicly without consulting prominent local leaders the Tunku aroused the general resentment of the people in the Borneo territories. The Tunku was insensitive to nationalistic feelings of the people, particularly when he said: "It is nonsense for a State with a population smaller than that of Perlis [the smallest State in the Federation of Malaya] to talk about independence".⁴⁵ The PRB, which the Tunku publicly dismissed as "parochial" and "being of no importance" felt humiliated and insulted. The Party issued another circular attacking the Tunku's Malaysia Plan as being designed for his own aggrandizement and proof of his colonialist intentions.⁴⁶

The Tunku's insensitivity and tactless approach to the Borneo people drove Azahari, Ong Kee Hui, the Chairman of the SUPP, and Donald Stephen to form a

happened to be three brothers of Azahari.

⁴⁴*Ibid.*

⁴⁵*The Borneo Bulletin*, 8 and 15 July 1961.

⁴⁶CO 1030/1447, item 57, White to the Secretary of State, 10 July 1961.

United Front opposing the Tunku's Malaysia Plan. In their joint statement issued on 9 July 1961 they said the Tunku's plan "would be totally unacceptable to the people of the three territories".⁴⁷

The Tunku not only aroused the resentment of the PRB and the general public with his statements, he also upset the Sultan. Before he left Brunei he delivered a memorandum through Dennis White telling the Sultan that he would adhere to the request of his officers to return home. He advised the Sultan to appoint his own officers to the posts and to ask Britain for technical and other officers who could not be obtained locally.⁴⁸ White believed that the Tunku was trying to use the Malayan officers' crisis to put pressure on the Sultan to make up his mind on the Malaysia Federation proposal. He was perfectly aware that the Sultan would not go back to the British for officers after having terminated their services but yet would not provide any officers if he was not in position to protect them.⁴⁹ When White asked whether the responsibility towards his officers could be obtained under some form of agreement, or whether he thought that merger was the only answer, the Tunku replied that: "any responsibility obtained by virtue of an agreement such as that between Brunei and the United Kingdom would render him liable to charges of Colonialism, and therefore merger was the only acceptable solution".⁵⁰ This "ultimatum" upset the Sultan because he felt he would "lose face" if he were to go back to the British for

⁴⁷*Straits Times*, 10 July 1961.

⁴⁸CO 1030/1447, 75/E, Tunku Abdul Rahman to the Sultan, 4 July 1961.

⁴⁹CO 1030/1447, item 57, White to Secretary of State, 10 July 1961.

⁵⁰*Ibid.*

new officers, but he would not be coerced into accepting the Federation.⁵¹ It is likely that the trust and close bond between the Sultan and the Tunku began to deteriorate as a consequence of this "ultimatum".

The Tunku also tried to use the whole affair to attack and subdue all opposition in Brunei to his merger plan. He suspected that the Sultan wanted merger but was hesitant because of opposition by the Brunei people led by the PRB. The Tunku suggested that the authorities in Brunei should take strong action towards the PRB and urged an introduction of Trade Union Legislation to break the "solidarity" between the Party and the Labour organisation.⁵² The Tunku told White:

"People in Brunei needed a firm hand, and perhaps a hammering, to cut them down to size and he was sure he [the Sultan] could do it".⁵³

As a result of the Tunku's showdown the PRB's popularity increased tremendously; its membership soared from 19,000 to 26,000 within a month.⁵⁴ The Party became more active and bolder. When the Government failed to respond to their demands for publication of the Nationality Bill and setting the date of elections, the PRB issued an ultimatum, in the third week of July 1961, giving one week's notice before calling a general strike and demonstration.⁵⁵ The labour front, the BULF, had declared its solidarity with the PRB and ordered its members to join the strike.⁵⁶

⁵¹*Ibid.*

⁵²*Ibid.*

⁵³CO 1030/1447, item 2, White to Secretary of State, 3 July 1961.

⁵⁴*The Borneo Bulletin*, 15 July 1961.

⁵⁵CO 1030/1447, item 73/74, White to E.Melville, 24 July 1961.

⁵⁶*The Borneo Bulletin*, 29 July 1961.

Tension was high because if the PRB and the BULF carried out their threat the whole State would be paralysed. Anticipating trouble, White sent an urgent message to the Colonial Office, on 27 July 1961, that they might have to declare a state of emergency. He requested Lord Selkirk, to inform the Commander-in-Chief of the British Forces in Singapore to be ready to give assistance if trouble broke out in Brunei. He had pressed the Sultan to call for an immediate meeting of the Standing Advisory Council on Defence and also to issue a public statement explaining fully his reasons for postponement of the elections.⁵⁷

The Standing Advisory Council on Defence, which was formed under the 1959 Agreement for the purpose of dealing with matters of internal security, met on 29 July 1961.⁵⁸ It was chaired by the Sultan and its members consisted of the High Commissioner, the Chief Police Officer, the Officer-in-charge of the Special Branch and the *Menteri Besar*. However the *Menteri Besar*, Dato Haji Ibrahim, was on medical leave. In his place the Sultan brought in his closest advisers: Dato Marsal, the Acting *Menteri Besar*, and Pengiran Ali, the Head of the Religious Affairs Department. He also brought in Dato Abdul Aziz, the new Attorney-General seconded from the Federation. Preparations to face possible breakdown in law and order discussed and put in place. The Sultan authorised the Chief Police Officer to seek assistance from Sarawak and North Borneo under the Police Enactment. He also authorised him to mobilise the Oilfields Security Force. Proclamations in draft were

⁵⁷CO 1030/1447, item 62, White to Secretary of State, 27 July 1961.

⁵⁸CO 1030/1447, item 68, White to Secretary of State, 29 July 1961.

to be prepared for declaring a state of emergency and Trade Union Legislation was to be expedited.⁵⁹

During the meeting White secured an assurance from the Sultan that he would not stop political meetings as long as they were properly conducted and that no one should be arrested unless they committed an offence. Further, it was agreed no action should be taken against the Labour organisation, although they were in breach of their own constitution in striking over a political matter. White told the Colonial Office: "All this relieved a lurking anxiety that the Sultan was contemplating undemocratic steps to destroy the Party Rakyat".⁶⁰ The High Commissioner also told the Sultan that any action to obtain support from the British Forces in Singapore had to be based on the Sultan's own request. He hoped that if trouble did arise the Sultan would have ready access to him.⁶¹

While the Standing Advisory Council was meeting, Lord Selkirk discussed the situation in Brunei with the Commander-in-Chief of the British Forces in Singapore.⁶² At the end of their discussion a telegram was sent to London:

"Should it become necessary to send forces to Brunei the British Defence Co-ordination Committee (Far East) had considered the alternatives of Plan ALE and Plan Demon and find themselves well placed to implement Plan ALE

⁵⁹CO 1030/1447, item 85, White to E.Melville, 29 July 1961.

⁶⁰*Ibid.*

⁶¹*Ibid.*

⁶²CO 1030\1447, item 69, the Commissioner General for the United Kingdom in Southeast Asia to the Secretary of State, 29 July 1961.

if request for assistance is received".⁶³

However "Plan ALE" was not needed, at least for the time being. As a result of the Government's announcement on 27 July 1961 that the elections would be held by 18 October 1962 the tension subsided. (The Sultan amended the original provision in the Constitution to allow for the postponement).⁶⁴ At the same time White had successfully persuaded Azahari and the PRB to cancel the strike. Instead the High Commissioner agreed to allow their demonstration and received a petition.⁶⁵

Subsequently, on 6 August 1961, Azahari and an estimated of eight thousand supporters marched to the High Commissioner's residence to hand in their petition.⁶⁶ The PRB wanted the British to guarantee that democracy would be upheld in Brunei by holding an election as soon as possible. The PRB also appealed to the Secretary of State to hold a conference at the Colonial Office with the representatives of the Sultan and the Party.⁶⁷ The announcement of the date of the elections and the agreement of the High Commissioner to receive their petition were seen by Azahari and his Party as a victory and consequently the tension eased.⁶⁸

⁶³CO 1030/1447, item 77 B, FEDSEC, Singapore to Ministry Of Defence, London, 29 July 1961.

⁶⁴CO 1030/1447, item 85, White to E.Melville, 29 July 1962; *The Borneo Bulletin*, 29 July 1961.

⁶⁵*Ibid*; CO 1030/1448, item 12, White to Secretary of State, 28 August 1961.

⁶⁶CO 1030/1448, item 2, White to E.Melville, 7 August 1961. The petition was sent to the Colonial Office on 7 August 1961. See item 1 on the same file.

⁶⁷The original copy in Malay and an English translation of the petition are found in file CO 1030/1448, item 1.

⁶⁸CO 1030/1447, item 89/E (v), White to E.Melville, 16 August 1961.

Meanwhile, Tunku Abdul Rahman had made an official approach to the British Government by despatching a memorandum outlining his Malaysia Plan to the Prime Minister, Harold MacMillan, on 26 June 1961. He proposed that as a first step, Brunei, North Borneo and Sarawak be brought into the Federation of Malaya, as units enjoying the same rights and privileges as the other nine States in the Federation. Brunei, like the Malay States, would be headed by a Sultan; and North Borneo and Sarawak, like Penang and Malacca, by Governors. However, he said: "It would be better of course if Sarawak could be returned to Brunei, at least the northern part of Sarawak, where the population is mainly Malays and Dyaks".⁶⁹ After the merger of the Borneo territories with the Federation, he proposed that Singapore should join in, which he envisaged should be before 1963, when the Constitution of Singapore would be reviewed. In contrast to the Borneo territories, the Tunku envisaged that Singapore's relationship with the Federation would be more autonomous, particularly in respect of determining fully its internal affairs. The Tunku did not see any Constitutional problems in his merger plan. The main problem would be how to present the Malaysia Plan to the peoples of the Borneo territories because, he said, the Singapore people could express their own will through their elected representatives, but in view of the political immaturity of the people of Borneo it was not anticipated that they would have politicians who could represent them. Therefore he proposed an independent inquiry to be set up which would be made up of members of the Commission who drafted the Constitution of the Federation of Malaya in 1956.⁷⁰

⁶⁹CO 1030/1079, item 14/E, Tunku Abdul Rahman's Memorandum on "Integration of British North Borneo Territories and Singapore with the Federation of Malaya", 26 June 1961.

⁷⁰*Ibid.*

The Tunku's Malaysia Plan proposals were discussed by officials from the Colonial Office, the Commonwealth Relations Office and the Foreign Office in July 1961. They were not enthusiastic about the Tunku's proposals, in spite of an earnest argument in favour of urgent consideration of the proposals, put forward by Lord Selkirk and Sir Geoffrey Tory, the British High Commissioner in Kuala Lumpur, who attended the discussions. The British felt that before they committed themselves to the proposals they had to be assured that their defence interests would be safeguarded, in particular their rights to use Singapore freely as a base for SEATO operations. They also did not want to force the Borneo peoples to join the Federation against their will. Nevertheless they decided to invite the Tunku to London in October for an exploratory talks.⁷¹

However in August 1961 the political situation in Singapore became critical. Lord Selkirk told London: "Lee Kuan Yew [the Chief Minister of Singapore] has not been successful in riding the Communist tiger and is in danger of being gobbled up".⁷² He believed that if Singapore did not merge with the Federation by the end of the year, Lee Kuan Yew would probably have to face a general election which he would lose to the socialist front, Barisan Sosialis. Lord Selkirk suspected the Barisan Sosialis of being manipulated by Communists. The only solution he envisaged would be a "crash programme", where Singapore came under the Federation ahead the

⁷¹CO 1030/1079, item 14A and item 20, Note of a Meeting held at the Colonial Office to discuss the possible future Political Association of the Federation of Malaya, Brunei, Sarawak and North Borneo on 5 July and 20 July 1961 respectively; item E/12, Note for Secretary of State's discussions with Lord Selkirk on 5 July 1961.

⁷²CO 1030/1012, Lord Selkirk to I.MacLeod, 24 August 1961.

Borneo territories. He said, Lee Kuan Yew suggested to him that:

"if Brunei by itself were to join the Federation now, the Tunku might agree to early merger for Singapore if offered some prospect of North Borneo and Sarawak being brought in at a later stage and an assurance of our intention to work to this end.⁷³

Towards the end of August 1961 Lord Selkirk flew to Brunei to discuss the proposal with the Sultan. However he failed to get any commitment from the Sultan. White believed that the size of the demonstration organised by the PRB a few weeks earlier had alarmed the Sultan and he became apprehensive of trying to bulldoze a merger without the consent of the people.⁷⁴ However it was also likely that the Sultan resented Tunku Abdul Rahman's discourteous action in threatening to withdraw his officers from Brunei at a time when they were badly needed. Feeling "betrayed" by the Tunku, whom he had trusted not only as a friend but as an adviser, the Sultan fell back on his traditional advisers: Dato Marsal, Pengiran Ali and Pengiran Yusuf. All three, the High Commissioner believed, favoured an isolationist line.⁷⁵ The High Commissioner had invited the Sultan to express his preliminary views on the Malaysia Plan, but the latter flatly refused stating he was barred from doing so both by the Constitution and by the Treaty.⁷⁶ When Lord Selkirk failed to get the Sultan's agreement, the Tunku despatched two of his advisers, Dato Sardon bin Jubir and Dato Osman bin Talib - both were close friends of the Sultan during his student days at the

⁷³*Ibid.*

⁷⁴CO 1030/1448, item 14, White to E.Melville, 29 August 1961.

⁷⁵CO 1030/1012, item 6, White to Lord Selkirk, 27 September 1961.

⁷⁶CO 1030/1447, item 86, White to Secretary of State, 8 August 1961.

Malay College in Kuala Kangsar in 1930s - to meet the Sultan on 27 September. Not only did they fail to secure the Sultan's agreement; to the surprise of the Malays, the Sultan refused to discuss the subject at all. The Sultan offered the same excuse he gave to the High Commissioner: that he was bound by the Constitution and by the Agreement with the British.⁷⁷

Without Brunei, the Tunku refused to consider the "crash programme". The Tunku had stated that merger between the Federation and Singapore would come about simultaneously with the creation of Malaysia.⁷⁸ This had left the British with no alternative but to go back to the Tunku's original Malaysia Plan. Therefore in October the Colonial Office told the Governors of North Borneo and Sarawak that they had decided to invite the Tunku to London to discuss his Malaysia Plan, which would include the Borneo territories.⁷⁹ In early November the Secretary of State wrote to the Sultan to invite him to express his preliminary views on the Tunku's plan.⁸⁰ However, the Sultan again refused until he consulted his traditional advisers.⁸¹

The discussions between Tunku Abdul Rahman and the British officials were held between 20 to 22 November 1961 and ended in principal agreement to the Malaysia Federation proposal. In a Joint Statement issued at the end of the discussions, both the Malayan and the British Governments were convinced that the "creation of the Federation of Malaysia was a desirable aim". However before any

⁷⁷CO 1030/1012, item 6, White to Lord Selkirk, 27 September 1961.

⁷⁸*The Borneo Bulletin*, 2 September 1961.

⁷⁹CO 1030/1012, Sir John Martin to A.Waddell, 30 October 1961.

⁸⁰CO 1030/1012, item 12, R.Maudling to Sultan, 2 November 1961.

⁸¹CO 1030/1012, item E/26, Sultan to R.Maudling, 15 November 1961.

final decision was to be taken it was necessary to ascertain the views of the peoples of North Borneo and Sarawak. A Commission of Inquiry would be appointed to undertake the task. At the same time, the views of the Sultan of Brunei were sought. The British Government decided to approve the Malaysia Plan because they assured by the Malayan Government that the British would continue to have the right to maintain their bases in Singapore.⁸² On the same day the Sultan gave his reply to the Secretary of State's letter: he welcomed the Malaysia Plan and would be willing to take part in any negotiation between the Federation of Malaya and the British Government for the purpose of considering and determining Brunei's terms of association.⁸³

Towards the end of November 1961 the Sultan informed the Executive Council of the Secretary's letter and of his decision to welcome the Malaysia Plan. White observed that there was no discussion and no vote taken to obtain the consent of the Council. He believed that the Sultan had enlisted the support of Dato Marsal, Pengiran Ali, Pengiran Yusuf and Dato Abdul Aziz, whom he had appointed as "a sort of Committee" to advise him on the matter.⁸⁴ On 5 December 1961, the Sultan told the Legislative Council that:

"In my own personal view this [Malaysia] proposal is a very attractive one, because the ties of religion, race, custom and culture between this State and other countries comprised in the Malaysia Plan are similar and strong.

⁸²CO 1030/1016, item 2, "Federation of Malaysia: Joint Statement by the Governments of the United Kingdom and of the Federation of Malaya", 22 November 1961.

⁸³CO 1030/1012, item E/48, Sultan to Secretary of State, 22 November 1961.

⁸⁴CO 1030/1012, item 49, White to W.I.J.Wallace, 27 November 1961.

However, since the future of my subjects will depend on our attitude to this proposal, I have ordered my Government to study this problem carefully and to ascertain the views of the public on this Malaysia Plan. The result of such studies will determine our next step in this matter. I would therefore appeal to all my subjects who love this country to give their sincere views and opinions when so requested by the Government always bearing in mind the interests of race, religion and country".⁸⁵

It was clear from the speech, that the Sultan had not committed Brunei to join Malaysia; it was merely a statement that he himself was personally attracted to the idea. This cautious statement reflected differences between his advisers, from Dato Abdul Aziz, who was sent to Brunei by the Tunku on a "mission" to get Brunei into Malaysia,⁸⁶ to Dato Marsal, who, as will be seen below, was against Brunei joining the Malaysia Federation.

Having persuaded the Sultan to come in favour of the Malaysia Federation the next task of the Sultan's advisers was to bring Azahari and the PRB around. Since the submission of its petition in early August 1961 the PRB had kept a low profile. Azahari had spent most of his time outside the country, according to White, because his commercial venture was in "dire trouble". However it is likely that he was

⁸⁵Sir Omar Ali Saifuddin, *Titah: 1959 - 67*, Dewan Bahasa dan Pustaka, Brunei, 1971, pp.106-107.

⁸⁶CO 1030/1012, item 8, White to Lord Selkirk, 11 October 1961. The High Commissioner said Dato Abdul Aziz, who was the head of the Prime Minister's Department in Malaya, told him that he had been sent to Brunei by the Tunku "to help with any constitutional problems arising out of merger. The High Commissioner said Dato Abdul Aziz expressed considerable surprise that no step had been taken on the proposal and had clearly been led to understand in Kuala Lumpur that he would be consulted about the implementation of the plan by the Sultan.

apprehensive about the attitude the Sultan would adopt. He had for some time suspected that action might be taken against him and, having no desire for martyrdom, had prepared his line of retreat. In July 1961 he had planned to seek shelter in North Borneo.⁸⁷ White believed that the two most senior members of the PRB after Azahari were "intractable, unpleasant and obstinate" and were quite likely to refuse to even discuss merger. It was for this reason that the High Commissioner said: "It seems essential to get Azahari back, even if it means a bit of 'political jobbery'".⁸⁸

In fact White and Lord Selkirk had been in favour of rapprochement between the PRB and the Sultan as well as Tunku Abdul Rahman. In August 1961 White had asked Sir Geoffrey Tory, the British High Commissioner in Kuala Lumpur, "to disabuse the Tunku of his impression that one can ignore Azahari and the Party Rakyat".⁸⁹ He believed that the PRB was "anti-autocracy rather than anti-Sultan, and anti-Tunku rather than anti-Grand Design". He thought the only obvious solution to the problem was to persuade the Sultan to change his attitude to the PRB, to grant Azahari an interview and to give him assurances about elections and point out the advantages of the Malaysia Plan to Brunei and enlist his support. If the Tunku gave his backing and was conciliatory, he felt that there was a good chance that the PRB would agree to joining Malaysia.⁹⁰

⁸⁷CO 1030/1012, item 24, White to W.I.J.Wallace, 4 November 1961. In 1953, Azahari had been imprisoned for six months, for organising a street protest against the authority.

⁸⁸*Ibid.*

⁸⁹CO 1030/1448, item 14, White to E.Melville, 29 August 1961.

⁹⁰CO 1030/1448, item 15, White to E.Melville, 30 August 1961.

In July 1961 the Colonial Office officials while agreeing that Azahari was "not at all unreasonable" were doubtful whether he carried the guns for the role he envisaged for himself.⁹¹ But in September Lord Selkirk told the Colonial Secretary:

"It is vital to create some relationship with Azahari. I have not met Azahari but all reports indicate he is on the whole of a reasonable frame of mind. But clearly he could if permanently alienated become fertile soil either for Communists or Indonesians to work on. ...If we cannot reconcile the Sultan and Azahari, there is almost certain to be a clash both inside Brunei and outside in relation to Tunku's Greater Malaysia. I have no doubt Azahari is strong enough to prevent any move the Sultan may make towards the Federation. I think the best way is to suggest he should come and see you sometime early next year".⁹²

In November White supported Lord Selkirk's concern about the PRB when he told the Colonial Office that even if the PRB were disorganised, either by arrest or flight of the key men, the rank and file would not automatically swing over to support Malaysia.⁹³

However, despite, the earnest call by Lord Selkirk and White the Colonial Office refused to invite Azahari, who was *persona non grata* to the Sultan, for talks. In early January 1962 London instructed Sir Dennis White (knighted in January 1962),

⁹¹CO 1030/1079, item E/12, Note for Secretary of State's discussions with Lord Selkirk on 5 July 1961, Far Eastern Department Paper, 30 June 1961.

⁹²CO 1030/1448, item 16/18, Lord Selkirk to I.MacLeod, 12 September 1961.

⁹³CO 1030/1012, item 24, White to W.I.J.Wallace, 4 November 1961.

to reply Azahari's and his Party's petition delivered in August. In that reply the High Commissioner told the PRB:

"the Secretary of State for Colonies has carefully considered the petition ...[however] in the view of the Secretary of State, elections in Brunei and the timing of them are internal matters and therefore primarily the concern of His Highness' Government".⁹⁴

This was hardly the reply the PRB expected. Nevertheless it held to the Sultan's promise to hold the elections by October 1962.

At the same time as the reply to the PRB's petition arrived, Azahari received a letter from the Government appointing him as a Nominated Member of the Legislative Council and as the Vice Chairman of a special commission to ascertain the public opinion in Brunei and to make recommendations on the Malaysia Plan.⁹⁵ Despite strong advice from his Party not to accept the appointments because it feared it was an attempt by the Government to break up the Party, Azahari accepted the appointments "out of respect to the Sultan".⁹⁶ Other than Azahari the Brunei-Malaysia Commission consisted of Dato Marsal (the *Menteri Besar*), the Chairman; Pehin Bendahari China Hong Kok Tien (a Chinese Community leader); Orang Kaya Gimang Anak Parit (an Iban Chief); Orang Kaya Lukan bin Uking (a Dusun Chief) and Hashim bin Tahir (the Secretary). The Commission, which was claimed by Hashim (now Dato Hashim) to be the creation of Dato Abdul Aziz, was meant to embrace a cross-section of the nation, all representatives of the major races, the Government and

⁹⁴CO 1030/1448, White to Secretary General of the PRB, 10 January 1962.

⁹⁵CO 1030/1012, item 65A, White to R.Maudling, 15 January 1962.

⁹⁶Interview with Azahari, February 1993.

political party leaders.⁹⁷ In mid January 1962 the Brunei-Malaysia Commission began its task, and it held its hearings in public in the main centres of population throughout the State. It completed its hearings on 3 February 1962.

The findings of the Commission have never been published but it was well known from press reports and Commission sources that the opposition to the Malaysia Plan was overwhelming. On the other hand a large section favoured a Borneo Federation comprising Brunei, North Borneo and Sarawak.⁹⁸ According to Dato Marsal, he submitted the Commission's report to the Sultan soon after his Commission had completed its public hearings.⁹⁹ He believed that the Sultan was advised by Dato Abdul Aziz, the Attorney-General, not to publish it. He also said that in a meeting with the Sultan held on 22 March 1962, to discuss the Commission's report, Dato Abdul Aziz attacked the report as invalid because it was not signed by all members of the Commission, but only by the Chairman. Dato Marsal believed that Dato Abdul Aziz expected the Commission to "make its own recommendation", which would be in favour of the Malaysia Plan.¹⁰⁰ Dato Marsal's claim might have substance because in his report to the Colonial Office Sir Dennis White said:

"It had been thought that the views given to the Menteri Besar's Committee would be sufficiently varied as to enable it to report with some show of decency that the public was in favour of Malaysia or at least was not opposed

⁹⁷Interview with Dato Hashim bin Tahir, April 1993.

⁹⁸*The Borneo Bulletin*, 3 February 1962; Interview with Dato Marsal and Dato Hashim Tahir, April 1963, Orang Kaya Lukan Uking, May 1993 and Azahari, February 1993.

⁹⁹Interview with Dato Marsal, April 1993.

¹⁰⁰*Ibid.*

to it. This would now seem to be out of question, although written opinion submitted may modify the almost unanimous opposition".¹⁰¹

Anxious that the findings in Brunei might affect the opinions of the Borneo representatives to the Malaysia Solidarity Consultative Committee (MSCC), which began its four-day meeting in Singapore on 3 February 1962, Dato Abdul Aziz asked Lee Kuan Yew (the Prime Minister of Singapore) to withhold the report.¹⁰² Thus on 1 February 1962 "the Singapore Government threatened to close Reuters in Singapore if they did not suppress the report".¹⁰³ According to Lord Selkirk, two days earlier Lee Kuan Yew "laughed off" the rumours that the Brunei-Malaysia Commission had recorded almost 100 per cent opposition from all sections of the population to Malaysia. He said Tunku Abdul Rahman had told him that "all was well and complete understanding existed between him [the Tunku] and the Sultan".¹⁰⁴

The MSCC had been formed on the initiative of the North Borneo and Sarawak delegates to Commonwealth Parliamentary Association Regional Meeting in Singapore in July 1961. The aims of the MSCC, whose members were Unofficial members of Legislative Councils and Civil Servants in North Borneo, Sarawak, Singapore and Malaya, were to collect views and opinions and to disseminate information on the question of Malaysia, and to foster activities for the realization of Malaysia. Brunei,

¹⁰¹CO 1030/1012, item 89, Sir Dennis White to C.G. Eastwood, 20 February 1962. The High Commissioner said the Chinese Chamber of Commerce submitted written representations to the Commission and that they told him that they would support Malaysia. See: CO 1030/1012, item 72, White to Secretary of State, 3 February 1962.

¹⁰²CO 1030/1012, item 84, Sir Dennis White to Lord Selkirk, 13 February 1962.

¹⁰³CO 1030/1012, item 70, Lord Selkirk to Secretary of State for the Colonies, 1 February 1962.

¹⁰⁴*Ibid.*

which was not a member of the Commonwealth Parliamentary Association, decided not to join the MSCC, but sent observers to the meetings in Kuching, Kuala Lumpur and Singapore. As a result of concerted campaigns by the Malayan and Singaporean members, as well as by leaders in both countries, the Borneo members were eventually converted to Malaysia. Donald Stephen, who chaired the MSCC, broke away from the United Front against Malaysia which he had formed in July 1961 with Azahari and Ong Kee Hui.¹⁰⁵ Without support from native leaders, both in North Borneo and Sarawak, the United Front was ineffective. Further, Azahari accused the Tunku of raising racial emotions against Chinese to convert native leaders to his Malaysia Plan.¹⁰⁶ At its last meeting in Singapore, on 7 February, the MSCC approved the Malaysia Plan, but with special safeguards for Borneo territories. On the same day a memorandum, signed by all the delegates to the meeting, including the Brunei delegates, was submitted to the Commission of Inquiry, later known as the Cobbold Commission, which was set up by the Malayan and British Governments as had been agreed in their joint statement in November 1961.¹⁰⁷

The signing of the MSCC Memorandum by the Brunei delegates was strongly criticised by the PRB, because it was contrary to the wishes of the people in Brunei, as evidenced from the public hearings of the Brunei-Malaysia Mission. The PRB claimed that the almost unanimous rejection of Malaysia was the voice of the whole

¹⁰⁵See pages 296.

¹⁰⁶Interview with Azahari, February 1993.

¹⁰⁷The MSCC Memorandum is found in File CO 1030/1001, item 45/46 and also in the Cobbold Report in File CO 1030/1027, Part A. Other than Pengiran Ali, the members of the Brunei delegation were: Pengiran Yusuf, Haji Jamil bin Umar, Dato Temenggong Lim Cheng Ho and Dato Abdul Aziz as the Adviser.

people and not merely that of the Party; it claimed that it had adopted a neutral stand during the Brunei-Malaysia Commission sessions.¹⁰⁸ In fact this claim was supported by the High Commissioner's report to the Colonial Office, that before the hearings there was no marked campaign either by the PRB against Malaysia or by others in favour of it. The PRB issued a directive to its own members saying that each man should speak from his heart.¹⁰⁹ The PRB demanded the publication of the Commission's report to prove that the people were against the Malaysia Plan.¹¹⁰

Sir Dennis White observed that there was a marked increase in tension in Brunei as a result of the signing of the Memorandum and the failure of the Government to publish the Brunei-Malaysia Commission's report.¹¹¹ The PRB was back on the offensive against the Malaysia Plan and called for the independence of a united Borneo. On 9 February 1962, Azahari left for Egypt to attend a meeting of the Afro-Asian People's Solidarity Organisation, which earlier had condemned the Tunku's Malaysia Plan as an "imperialist plot",¹¹² to campaign for international support against the formation of Malaysia. On the same day he told the local press that his Party "had taken a firm, anti-Malaysia stand and would do all in its power to achieve its aim of uniting the Borneo territories of Brunei, Sarawak and North Borneo under one flag".¹¹³ It was probably during this time that some leaders of the PRB lost hope of stopping

¹⁰⁸*The Borneo Bulletin*, 3 February 1962.

¹⁰⁹CO 1030/1012, item 89, Sir Dennis White to C.G.Eastwood, 20 February 1962.

¹¹⁰*The Borneo Bulletin*, 17 February 1962.

¹¹¹CO 1030/1012, item 89, Sir Dennis White to C.G.Eastwood, 20 February 1962.

¹¹²*The Borneo Bulletin*, 3 February 1962.

¹¹³*The Borneo Bulletin*, 10 February 1962. The meeting was held between 12 and 17 February 1962.

the implementation of the Malaysia Plan by peaceful means and decided to oppose it militarily. As will be seen in the next chapter on his return from Egypt Azahari together with Yassin Affandi approached Indonesian military leaders seeking assistance in training members of their Tentara Nasional Kalimantan Utara (TNKU) or National Army of North Kalimantan , a secret military wing of the Party.

Meanwhile, in Brunei, steps were planned to neutralise opposition to the Malaysia Plan. In mid-February 1962 Sir White said, that Dato Abdul Aziz was talking of proscribing the PRB, on the grounds that the Party was in breach of the Societies Enactment when it applied to join the Afro-Asian Solidarity Group. The High Commissioner however opposed the plan because he believed that any action taken at that juncture to proscribe or suppress the PRB "would be construed as an obvious move to facilitate merger". He also believed the Police might be unreliable if called upon to deal with trouble emanating from such action. Furthermore he believed the British Government would find it gravely embarrassing to be called upon to restore order, if the trouble was caused by unjustifiable repression.¹¹⁴ The Colonial Office agreed with the High Commissioner's view that proscribing the PRB "would be unwise". The Colonial Office said:

"It has always been our view of course that the question of Brunei's entering Malaysia is one for the Sultan and people of Brunei and that, while advising the Sultan that we think this is a good idea, we should keep out of the internal Brunei argument. ...We should therefore very much like it if White could keep

¹¹⁴CO 1030/1012, item 89, Sir Dennis White to C.G.Eastwood, 20 February 1962.

out of any argument about proscribing or not proscribing the Party Rakyat".¹¹⁵ Nevertheless on the advice of Sir Dennis White, the Sultan called a meeting of the Standing Advisory Council on Defence to assess the situation in Brunei on 20 March 1962. The Council decided that the Government should be equipped with adequate powers to deal with internal disturbances and subversion, and to preserve peace and order in the State. Thus the Public Order Enactment was prepared and legislated in June 1962.¹¹⁶

However the PRB was not the only source of problem in Brunei in relation to the question of Malaysia. Some of the Sultan's advisers themselves were still not convinced of the advantages of the Plan. Pengiran Ali and Pengiran Yusuf had openly supported the Malaysia Plan and had agreed to put their signatures to the MSCC's Memorandum on Malaysia. However, as Dato Abdul Aziz told Sir Dennis White, "the present *Menteri Besar*, [Dato Marsal] is definitely wavering in his support for Malaysia".¹¹⁷ Perhaps it was for this reason that a report stated that the former *Menteri Besar*, Dato Haji Ibrahim, who had retired for medical reason in August 1961, was to resume office.¹¹⁸ However good counsel prevailed and the risk of provoking opposition, particularly among the Malay Teachers Association, where Dato Marsal had a strong following, diminished.

¹¹⁵CO 1030/1012, item 106, C.G.Eastwood to G.P.Hampshire (CRO), 5 March 1962.

¹¹⁶BA/13852/78, Executive Council Paper No.114/62, 27 June 1962; *Government Gazette*, Part III, 30 June 1962.

¹¹⁷CO 1030/1012, item 122/126, Sir Dennis White to W.I.J.Wallace, 13 March 1962;

¹¹⁸*The Borneo Bulletin*, 24 April 1962.

The High Commissioner said he had a great deal of sympathy with the Sultan in his dilemma. He added: "I do not think that I should be guilty of over-emphasis if I stated that the situation posed a threat to the dynasty".¹¹⁹ He thought that it would not be appropriate to bring further pressure to bear on the Sultan although it was for further consideration whether anything could be done to ease pressure on the Sultan either in London or in Kuala Lumpur. On the role of Dato Abdul Aziz, who had been called "the Tunku's spy",¹²⁰ the High Commissioner said: "It is already becoming obvious that the Attorney General has compromised his official position by his advocacy of Malaysia, and his usefulness will become limited in this sphere".¹²¹ Thus in March 1962 Lord Selkirk went to see the Tunku and told him that he very much hope that "the Malayan treatment" would be accorded to the people of Brunei more fully so as form a counter-attraction to the visits to Indonesia of the PRB's leaders.¹²² Following this a mixed delegation from Brunei, which included two unauthorised members of the PRB, was invited to tour Malaya in April 1962.¹²³

Meanwhile in March 1962 Dato Abdul Aziz told the High Commissioner that the Sultan seemed to be "swinging back to his previous support of Malaysia".¹²⁴ It was not clear whether this was due to the visit of Dato Osman bin Talib, a close adviser of the Tunku, on 11 March, who may have brought a personal message for the

¹¹⁹CO 1030/1012, item 89, Sir Dennis White to C.G.Eastwood, 20 February 1962.

¹²⁰CO 1030/1012, item 122/126, White to W.I.J.Wallace, 13 March 1962.

¹²¹CO 1030/1012, item 89, Sir Dennis White to C.G.Eastwood, 20 February 1962.

¹²²CO 1030/1012, item 105, Sir Dennis Allen to C.G.Eastwood, 5 March 1962.

¹²³*Pelita Brunei*, 18 April 1962.

¹²⁴CO 1030/1015, item 4, Sir Dennis White to C.G.Eastwood, 24 March 1962.

Sultan from the Tunku.¹²⁵ But on 26 March 1962 the Sultan summoned his advisers to discuss the Secretary of State's letter sent in January. In the letter the Secretary of State had urged the Sultan to start informal discussions with the Government of Malaya on the terms and conditions which the Brunei Government would wish to propose in the event of joining Malaysia.¹²⁶ The High Commissioner told the Colonial Office the Sultan had decided to scrap the report of the Brunei-Malaysia Commission. Instead he said, there was talk of tabling a resolution in favour of the Malaysia Plan to the Legislative Council. In his view if such a resolution was agreed in a nominated and official Legislative Council there would be trouble beyond the ability of the Brunei Police Force to control.¹²⁷ It was for this reason that the Colonial Office asked the High Commissioner to use his influence at that stage to delay the introduction of the resolution in the Legislative Council. The Colonial Office thought it was important that the PRB should be persuaded of the benefits of Malaysia at first hand.¹²⁸

Thus, when the Legislative Council met on 16 - 17 April 1962 the resolution on the Malaysia Plan was not brought up. Instead Azahari, who took his appointment as a Nominated member for the first time, introduced a motion asking the Brunei Government to recognise the historical sovereignty of the Sultan of Brunei over the whole of the British Borneo territories.¹²⁹ However his motion failed to gain support

¹²⁵*Pelita Brunei*, 21 March 1962.

¹²⁶CO 1030/1012, item 63, R.Maudling to the Sultan, 8 January 1962.

¹²⁷CO 1030/1015, item 4, Sir Dennis White to C.G.Eastwood, 24 March 1962.

¹²⁸CO 1030/1015, item 5, Secretary of State to White, 12 April 1962.

¹²⁹*The Borneo Bulletin*, 21 April 1962.

from a majority of the Legislative Council members. Claiming that he could not work under the existing system in Brunei, he submitted his resignation.¹³⁰ Later in Johore, where he went on a "self-imposed exile", he explained that he had resigned because there could be no democratic opposition in Brunei.¹³¹ However the High Commissioner suspected that Azahari left the State because he was angry at the Government's decisions to refuse to finance his business and to foreclose all his outstanding loans.¹³²

Meanwhile the Cobbold Commission, consisting of a Chairman, (Lord Cobbold), and two British (Sir Anthony Abel and Sir David Watherston) and two Malayan (Muhammad Ghazali Shafie and Dato Wong Pow Nee) members, toured Sarawak and North Borneo from 19 February to 18 April 1962 to ascertain the views of the people with regard to the Malaysia Plan. At the end its tour the Commission claimed that:

"about one third of the population in each territory strongly favours early realisation of Malaysia without too much concern about terms and conditions. Another third ... ask ...for conditions and safeguards. ...The remaining third is divided between those who insist on independence before Malaysia is considered and those who strongly prefer to see British rule continue for some years".¹³³

The Tunku was expected to go to London in July to finalise an agreement with the

¹³⁰*The Borneo Bulletin*, 5 May 1962.

¹³¹*Straits Times*, 17 May 1962.

¹³²CO 1030/933, item 7, Sir Dennis White to Sir Dennis Allen, 7 May 1962.

¹³³CO 1030/1027, Cobbold Report, Part A, p.10.

British Government on the formation the Malaysia Federation.

It was in view of these developments that in June 1962 Sir Dennis White approached the Sultan and urged him to make up his mind on the question of Malaysia. He told the Sultan that Brunei shared not only religious, cultural and language interests with the Malay States, but also the Sultanate form of Government. However the Sultan told him that none of those factors were important compared to the welfare of his State and his people, and the eventual decision would be taken in the light of the State's welfare. Sir Dennis White told the Sultan that he must not only consider the immediate advantages and disadvantages but also the long term ones. The High Commissioner said it was not only the question of dwindling oil revenues and no fresh finds, but defence and general stability in a troubled part of the world. The Sultan said, his Government could take no steps until he knew the terms and conditions suggested for Sarawak and North Borneo. Quoting a Malay proverb, he told the High Commissioner: "Travel slowly, and arrived safely" [*Biar lambat asal selamat*].¹³⁴

Nevertheless the Sultan took the advice of the High Commissioner, and on 9 July a five-member delegation headed by *Pengiran Pemanca*, proceeded to Kuala Lumpur seeking clarification on the character of the Malaysia Plan and its application to Brunei.¹³⁵ At the meeting, Tun Abdul Razak, the Deputy Prime Minister, who presided over the meeting, stated that Brunei would be given the same status as a sovereign Malay State in the Federation of Malaya. Tun Abdul Razak further explained that under the Federation of Malaysia, Brunei would retain the special

¹³⁴CO 1030/1017, item 182, Sir Dennis White to W.I.J.Wallace, 12 June 1962.

¹³⁵*The Borneo Bulletin*, 14 July 1962.

privileges enjoyed by the Sultan's subjects, and its welfare system. With regard to the Sultan of Brunei's position in line for the succession as Agong, Tun Abdul Razak stated that, the terms of precedence as set out in the Federation Constitution, would be in accordance with the date of accession to the throne, and according to this method, the Sultan of Brunei was the most senior Sultan next to the Yang di-Pertuan Agong.¹³⁶

With regard to immigration, the powers relating to entry into the Borneo States for the purposes of permanent residence would be given to the each State. Tun Abdul Razak also assured the delegation that Brunei investments and interest would be the State property. However the manner in which this principle would work would have to be further examined. The tax system in Brunei was one in which the people enjoyed freedom from personal income tax, fees such as radio licence and other fees. Tun Abdul Razak agreed in principle that the special provisions be allowed to continue, but the manner in which they would be conducted would be subject to negotiation. He said oil, mining, and production required closer examination and negotiation; but, in principle, Tun Abdul Razak agreed that they would be included in the concurrent list. Royalties from crude oil and gas, which was a State revenue, would be subject to negotiation.¹³⁷

At the end of the meeting Tun Razak told the Brunei delegation that his Government was planning to bring about Malaysia on 31 August 1962. If Brunei agreed to join Malaysia, the necessary action should be taken before the elections in

¹³⁶BA/14191/78, "Questions by and Replies given to the Brunei Delegation on the Proposed Malaysia Concept".

¹³⁷*Ibid.*

Brunei, to avoid any embarrassment which might arise as a result of the change in the future State Legislative Council.¹³⁸

On the basis of assurances to the Brunei delegation given by Tun Abdul Razak, the Sultan announced to the Legislative Council on 18 July 1962 that he was advised that Malaysia should bring benefits and advantages to Brunei and its people. In his view it was possible for him "to accept the Federation of Malaysia in principle". This, he said, would enable the Government to negotiate officially with the Governments of the Federation of Malaya and United Kingdom to determine the type and pattern of association. However, he stressed that his acceptance of the Malaysia Plan in principle did not necessarily mean that it was final; if an agreement could not be reached on certain important matters it was probable that Brunei would not participate in the proposed Malaysia Federation.¹³⁹ This was followed by a motion moved by the *Menteri Besar* endorsing the Sultan's speech and fully supporting the principle of Brunei's participation 'in the proposed Federation of Malaysia.¹⁴⁰ The motion was passed by the Legislative Council by 24 votes to four with one abstention.¹⁴¹

¹³⁸*Ibid.*

¹³⁹BA/14191/78, "Speech of His Highness the Sultan at the Meeting of the Brunei Legislative Council on Wednesday, 18 July 1962".

¹⁴⁰BA/141191/78, "Motion to be moved by the Honourable Menteri Besar", 17 July 1962.

¹⁴¹*The Borneo Bulletin*, 21 July 1962.

7.3 The Malaysia Issue and the First Brunei Elections

Meanwhile on 20 June 1962 the Government announced that the elections were to be held on 30 August 1962. The elections were to elect 55 District Councillors, including 24 for the Brunei District Council; 12 for the Belait District Council; 12 for the Tutong District Council; and 7 for the Temburong District Council. Voting in the elections was by secret ballot and only citizens as defined in the Nationality Law passed by the Legislative Council in December 1961, aged over twenty one could vote. The elected councillors would form an electoral college for each District Council which would elect representatives to the Legislative Council. The number of District Councillors to be elected to the Legislative Council was 16, of which 8 were from Brunei, 4 from Belait 3 from Tutong and 1 from Temburong. This election would be held on 17 September 1962.¹⁴²

The PRB had opposed the electoral system and had threatened to boycott an election which did not bring the winning party to power. However it had no alternative. The Sultan's acceptance of the Malaysia Plan in principle and the mandate given to him by the Legislative Council to negotiate with the Governments of Malaya and Britain meant Brunei's entry into Malaysia, as far as the PRB was concerned, was a fait accompli. The only option open to the Party to prevent Brunei from joining the federation by peaceful means was the elections. Recognising that the people rejected Malaysia, the PRB used the Malaysia issue as its main platform in the elections. Hence in its election manifesto the PRB made a clear stand: Brunei's independence in 1963; rejection of the concept of Malaysia as proposed by Tunku Abdul Rahman;

¹⁴²*Pelita Brunei*, 20 June 1962.

and formation of an independent Kalimantan Utara which would encompass Brunei, North Borneo and Sarawak, with the Sultan of Brunei as the Constitutional Head of State. The manifesto also laid out the Party's economic, educational, social and administrative programmes if they were elected.¹⁴³

The PRB faced two pro-Malaysia political parties in the elections: the Brunei National Organisation (BNO) and Brunei United Party (BUP). The BNO was formed by Abdul Manan bin Muhammed, a former PRB leader in Tutong District, who had accepted the Sultan's appointment as an Unofficial member of the Legislative Council after the promulgation of the Constitution in September 1959. The Party, which was registered in November 1960, had never been active except in the Tutong District.¹⁴⁴ Initially the BNO adopted an anti-Malaysia stance but later changed its stand favouring Brunei joining Malaysia.¹⁴⁵ The BUP was formed in December 1961 by a local businessman, Haji Hasbollah bin Haji Daud. It was formed mainly to promote the Malaysia Plan among the people of Brunei. In January 1962 the BNO and BUP formed an alliance to fight the PRB.¹⁴⁶

Besides the BNO and the BUP there were also several Independent candidates who were in favour of the Malaysia Plan. Most of them were Government servants. Apprehensive of the PRB's popularity, the Government issued a circular in June 1962 allowing Government servants to stand in the elections. However, they had to get

¹⁴³Haji Zaini Haji Ahmad, *Partai Rakyat Brunei: Selected Documents*, Petaling Jaya, INSAN, 1987, pp. 161-167; *The Borneo Bulletin*, 4 August 1962.

¹⁴⁴*The Borneo Bulletin*, 19 November 1960.

¹⁴⁵*Ibid.*, 13 January 1962.

¹⁴⁶*Ibid.*, 23 December 1961 and 22 January 1962.

approval from the Executive Council. Those given permission were granted paid leave and allowed to retire from Government service if elected. Those who lost would be reinstated into the Government service.¹⁴⁷ The fact that they were "selected and stood for the Government" meant they amounted to the "King's Party".

The PRB fielded candidates in all the fifty-five seats of the District Councils in order to gain the maximum number of seats. The BNO fielded eight candidates; the BUP only one candidate, Haji Hasbollah himself, and there were 17 Independent candidates. Even before the first vote was cast it was clear the PRB would win the elections. On the Nomination Day, 21 June 1962, the Party won 32 uncontested seats: 20 out of 24 seats in Brunei/Muara District, 7 out of 12 seats in Belait District and 5 out of 7 seats in Temburong District. Therefore except in Tutong District, in which all 8 seats were contested, the PRB already controlled the District Councils.¹⁴⁸

The encouraging performance of the PRB probably prompted Azahari to return to Brunei from his self-imposed exile in Johore on 11 August 1962. Azahari did not put up his name for the elections. It was widely believed that he was not eligible because he was not a citizen. As an Arab descendent, Azahari had to apply for citizenship under the new Nationality Law. However there is also the possibility that Azahari initially intended to boycott the elections as he had threatened in the past unless the Constitution was amended. Azahari recognised that the Constitution, which he dismissed as "undemocratic", not only provided for a non-elected government but also for a Legislative Council with only 16 out of the total of 33 being elected. Even if his Party won all the seats in the elections it was still in minority. The treatment

¹⁴⁷BA/13833/78, Executive Council Paper No.118/62, 27 June 1962.

¹⁴⁸BA/0760/83, Report on Nomination Day by Election Supervisor, 21 July 1962.

given to him during his brief appearance in the Legislative Council in April proved that the system would work against the interests of his Party. But by the end of July the Malayan and British Governments had reached an agreement on the formation of Malaysia Federation, which would include the Borneo territories and possibly Brunei.¹⁴⁹ It became clear to him that the establishment of Malaysia had become a fait accompli, and by then he began to agree with his Party's assertion that the only peaceful door left open for them was the elections. On the other hand, Sir Dennis White suspected that he was encouraged by the Barisan Sosialis in Singapore, which was anti-Malaysia, in order to put a spoke in the Malaysia wheel to keep Brunei out.¹⁵⁰

The presence of Azahari in Brunei raised the election fever. By using his power of oratory he campaigned fervently for his Party. When the results were announced on 30 August 1962, the PRB won all except one of the remaining 23 seats. The Independent who won the sole seat later joined the PRB. Thus the PRB controlled all the four District Councils and was assured of the 16 elected seats in the Legislative Council.¹⁵¹

The pro-Malaysia parties and Independent candidates gained few votes and many lost their deposits. For instance, Haji Hasbollah, the strong supporter of the Malaysia Plan obtained only 25 votes compared to the PRB candidate's 266 votes. More significantly over 90 per cent of the total electorate of 6,000 went to the polls.¹⁵²

¹⁴⁹CO 1030/1025, item 115/118, Colonial Office to North Borneo, Sarawak, and Brunei, 1 August 1962.

¹⁵⁰CO 1030/1447, item 112, Sir Dennis White to W.I.J. Wallace, 7 August 1962.

¹⁵¹BA/0760/83, Election Results for District Councils in Brunei, 1962; *The Borneo Bulletin*, 1 September 1962.

¹⁵²*Ibid.*

It was an embarrassment to the Government because it was clear rejection of its policy to bring Brunei into the proposed Malaysia Federation. The elections established the PRB as the representative of the people and it could not be ignored any further by the Government.

7.4 The Question of Brunei's Entry into the Malaysia Federation

In early September 1962 Azahari led a delegation of all elected members of his Party to meet the Sultan. During the meeting Azahari told him that the people regarded the elections as a major step towards establishing a democratic government and asked the Government to cooperate with the elected representatives. Azahari also explained his Party's opposition to the Malaysia Plan, which he said was "based on a desire to unite the three Borneo territories with the Sultan as ruler". He added, however, that as North Borneo and Sarawak had accepted the Malaysia Plan and the Sultan had agreed in principle, on behalf of his Party he supported the address made by the Sultan in the Legislative Council in July accepting the Malaysia Plan in principle.¹⁵³ A week later however he corrected the report of his remarks by saying that he, as an individual, would not oppose the Malaysia Plan if it was the Sultan's wish that Brunei should federate with Malaya, Singapore, Sarawak and North Borneo. However, he added, he was not committing his Party to that line.¹⁵⁴

This was a significant shift in Azahari's stand on the Malaysia Plan when compared to what he had said in February 1962: that his Party had taken a firm, anti-

¹⁵³*The Borneo Bulletin*, 15 September 1962.

¹⁵⁴*Ibid.*, 22 September 1962.

Malaysia stand and would do all in its power to achieve its aim of uniting the Borneo territories of Brunei, Sarawak, and North Borneo under one flag.¹⁵⁵ There were two factors which influenced Azahari's volte-face. Firstly, by supporting the Sultan's policy on Malaysia, he hoped the Sultan would give more favourable treatment to him and his Party, possibly, by recognising his Party as the "legitimate Government" and appointing him as the *Menteri Besar*. Before the August elections Azahari was reported as saying that "if he and the Party were consulted and treated as a responsible political body he would persuade his followers to accept Malaysia". He also indicated that his policy would be to work to get the Constitution amended and a ministerial system introduced.¹⁵⁶

Secondly, he believed that once inside Malaysia his Party, which had won overwhelmingly in the elections, would be asked to form the State Government in Brunei and he might be appointed as the *Menteri Besar* or a Federal Minister. In fact Azahari was reported to have held meetings with Tun Abdul Razak, the Deputy Prime Minister of Malaya, when the latter visited Brunei in mid-August. Although nothing had been reported from the meetings, it was quite possible that some kind of deal had been discussed with regard to acceptance of the Malaysia Plan by the PRB in return for political power in Brunei. Sir Dennis White told the Colonial Office that Tun Abdul Razak, after the meetings, was "quietly optimistic of a peaceful acceptance [of the Malaysia Plan] in the long run".¹⁵⁷

¹⁵⁵*Ibid.*, 10 February 1962.

¹⁵⁶CO 1030/932, item 11, J.D.Higham to A.A.Golds, 19 February 1963.

¹⁵⁷*Ibid.*

But the goodwill gesture by Azahari was not reciprocated by the Sultan who told the delegation that he "stayed aloof from politics" and whatever decision he might reach regarding Brunei's future, he would consider the nation's interest and its people and there would be no thought of personal benefit for himself. Moreover when Azahari raised the doubts that had been cast on his nationality, the Sultan pointed out that under the State's nationality laws non-Bruneis, if they met the necessary qualifications, could become Brunei subjects.¹⁵⁸ This lukewarm reception from the Sultan and inconclusive meetings with Tun Abdul Razak in mid-August probably prompted Azahari's departure to Kuching on 9 September to confer with Stephen Yong of the Sarawak United People's Party (SUPP) and G.S.Sundang of North Borneo's Pasok Momogun Organisation.¹⁵⁹ At the end of their meeting the three leaders signed a Joint Memorandum protesting the implementation of the Malaysia Plan without the exercise of the right of self-determination by the people in the three territories. The Memorandum, which was forwarded immediately to the United Nations, rejected the claim by the Cobbold Commission that two-thirds of the peoples in North Borneo and Sarawak favoured joining the proposed Malaysia Federation and only one-third were against it. It appealed for the intervention of the United Nations to hold a plebiscite

¹⁵⁸*The Borneo Bulletin*, 15 September 1962.

¹⁵⁹*Ibid.* Pasok Momogun Organisation or National True Sons of the Soil Association was one of the political parties formed as a response to the Malaysia Plan. It was predominantly composed of non-Muslim Dusuns and it claimed to have 10,600 members. Other political parties in North Borneo were: United National Kadazan Organisation (UNKO) led by Donald Stephen; United Sabah National Organisation (USNO), a Muslim party led by Datu Mustapha bin Harun, and two Chinese parties, United Party and Democratic Party. In Sarawak political parties were also formed on racial line: Sarawak United People's Party (SUPP), a Chinese party; Party Negara (PANAS), a Malay party; Sarawak National Party (SNAP), an Iban Party and Barisan Rakyat Sarawak (BERJASA), a Malay-Iban party. See CO 1030/1027, Cobbold Report, Part A, 1962.

to determine the wishes of the people. It also urged that the three Borneo territories should be brought under a federation or union with the Sultan of Brunei as the Constitutional Head.¹⁶⁰ In support of their petition the three parties planned to hold a conference of all the people's representatives from the three territories.¹⁶¹

Meanwhile, despite repeated calls from the PRB for the amendment of the Constitution and the formation of a democratic government, the Sultan, on the eve of his birthday (23 September 1962), announced the nomination of members of the Legislative Council and members of the Executive Council.¹⁶² The Sultan had earlier reconfirmed Dato Marsal as the *Menteri Besar* and now created a new post, the Deputy *Menteri Besar*, which was filled by Pengiran Ali, the Head of Religious Affairs Department.¹⁶³ The appointment of Pengiran Ali, one of the closest advisers of the Sultan, to the new post could be seen as a measure to strengthen the position of his Government in anticipating the accession of the PRB members into the Legislative and Executive Councils.

The PRB held all the sixteen Unofficial seats in the thirty-three member Legislative Council. The Party was also returned in all the six Unofficial (Elected) seats of the fifteen member Executive Council. Although the PRB occupied all the elected seats in both the Councils the Party remained dissatisfied because it remained in a minority in both Councils. Furthermore, unlike the Legislative Council, where the PRB chose its own representatives from each of the four districts through

¹⁶⁰Haji Zaini Haji Ahmad, *op.cit.*, pp. 169-172.

¹⁶¹*The Borneo Bulletin*, 6 October 1962.

¹⁶²*The Borneo Bulletin*, 29 September 1962.

¹⁶³*Ibid.*, 1 September 1962.

collegiate system of election, the Sultan had absolute discretion to choose all the Executive Council members. As a result, other than Hapidz Laksamana, the Deputy President, none of the Central Executive Committee of the Party was appointed to the Executive Council. At first the PRB refused to accept the Sultan's nominations; it demanded that it should have a say in who should be appointed.¹⁶⁴ Azahari, who did not participate in the elections, was not given any appointment; nor were the elected members of his Party invited to join the Government.

On the day the nominations were announced, the Sultan presided over a meeting of the Committee he had appointed to examine the terms and conditions of Brunei's entry into the proposed Malaysia Federation. The Committee appointed in July 1962 had twenty-five members, consisting of the traditional advisers and the principal local officers, Sir Dennis White, Dr. Joseph S. Gould (an economic adviser from the United Nations), Dato Neil Lawson Q.C. (a legal adviser from the United Kingdom) and a representative of the Chinese community. The only seconded Malayan officer on the Committee was Dato Abdul Aziz, in his capacity as the Attorney-General.¹⁶⁵ Despite having the mandate of the people, none of the members of the PRB were invited to join the Committee; nor were they invited to the meeting.

¹⁶⁴CO 1030/1076, item 6, High Commissioner to Secretary of State, 20 December 1962. For the full lists of the members of the new Executive and new Legislative Councils see Appendix IV and V respectively.

¹⁶⁵BA/14191/78, Papers Relating to Malaysia; CO 1030/932, item 11, J.D. Higham to A.A. Golds, 19 September 1963. Dato Neil Lawson was one of the Constitutional Advisers to the Sultan's Constitutional delegation to London in March/April 1959. He was awarded by the Sultan "The Most Esteemed Family Order Second Class", which carried the title "Dato Paduka", in September 1959 for his service. See *The Borneo Bulletin*, 26 September 1959.

On 25 September a delegation led by, Dato Marsal, the *Menteri Besar* flew to Kuala Lumpur "to hold a final round of exploratory talks" with Malayan Government. The delegation consisted of senior Government officials - Pengiran Ali (Deputy *Menteri Besar*), Pengiran Yusuf (Deputy State Secretary), Pengiran Kerma Indera Haji Mohammad (Controller of Telecommunications), Haji Jamil (Director of Language and Literature Bureau), Salleh bin Masri (Welfare Officer) and two legal advisers Dato Abdul Aziz and Dato Neil Lawson. The Malayan team, which also composed of senior Government officials, was headed by Tun Abdul Razak, the Deputy Prime Minister.¹⁶⁶

The main proposals of the Brunei delegation were: full self-government; Federal responsibility for external affairs and for defence against external aggression; a Federal guarantee of the status of the Sultan of Brunei and the Constitution of the State; Brunei would accept the concept of Federal citizenship broadly upon the lines of the Cobbold Report, but subject to immigration control being vested in the State; Brunei should be given a measure representation in the organs of the government of the new Federation; and Brunei would be prepared to make an agreed financial contribution to the Government of the new Federation. In considering its proposals the Brunei delegation asked the Malaysians to give full weight to the special features of the State: Brunei had full internal self-Government for the last three years; Brunei was characterised by a strong Brunei nationalist feeling held by a predominantly Malay population and centred round the concept of loyalty to an old-established royal

¹⁶⁶*Ibid.*; *The Borneo Bulletin*, 29 September 1962. Salleh bin Masri was the former Deputy President of the PRB. He left the Party in August 1958 and appointed into the Brunei Civil Service in August 1962, no doubt with an aim to strengthen the Government's position against the PRB.

dynasty; Brunei was financially and economically more favourably placed and advanced in social welfare benefits than North Borneo and Sarawak.¹⁶⁷

When the proposals were put to the Malayans, they were rejected summarily. Tun Abdul Razak thought that his Government would not be prepared to entertain proposals falling short of the partial surrender of sovereignty by each State coming into the new Federation; nor would it entertain proposals involving only the representation of the State in external affairs and its defence against external aggression, whilst permitting the State to enjoy complete internal self-government. He indicated that in his view this was contrary to the basis of federation which had been agreed between his Government and the British. When the delegations met again the following day Tun Abdul Razak put forward broad counter proposals: a federation with a strong central Government, but with the States enjoying a measure of autonomy. He told the Brunei delegation that if Brunei desired to participate in the Malaysia Plan, it must join the new federation and accept the implications in relation to partial surrender of sovereignty and control in essential matters by the central Government, including: external affairs; defence; internal security and financial policy.¹⁶⁸

Tun Abdul Razak said that the Federation Government's aim was that all States would be treated alike. However when the Brunei delegation pointed out that Singapore was to be accorded special status in the new federation, Tun Abdul Razak replied that Singapore was a special case because of its economic importance and

¹⁶⁷BA/14191/78, Report on Discussions between the Brunei Delegation and the Government of the Federation of Malaya held in Kuala Lumpur on 25 and 26 September 1962, 29 September 1962.

¹⁶⁸*Ibid.*

particular racial complexion. He added that Singapore also had for some time enjoyed democratic government. When asked whether this meant that, in the event of Brunei having full representative and responsible government, its claim to similar special treatment would be recognised, Tun Abdul Razak gave no clear answer but indicated that this would certainly be a factor for consideration. When it appeared that the Government of the Federation was not prepared to consider the participation of Brunei in the Malaysia Plan except on the basis of Brunei agreeing in principle to enter the new Federation as a member State, and thus accepting the implications to sovereignty and control, the discussions were concluded. The Brunei delegation returned "in dudgeon" to Brunei.¹⁶⁹

On 29 September 1962 Dato Lawson submitted a report on the outcome of the Kuala Lumpur meeting to the Government which laid out three alternatives for Brunei. They were: a. To withdraw from the Malaysia Plan and to seek full independence from the British Government or to remain under British protection as to external affairs and defence. b. To await the establishment of the Malaysia Federation and at a later date, if so desired, to seek to enter it. c. To accept Federation plan in principle and to negotiate the appropriate safeguards.¹⁷⁰ It was later reported by a British official that the delegation gave the Sultan unanimous advice to reject the invitation to join the Malaysia Federation, and to seek full independence. However, the Sultan

¹⁶⁹*Ibid.*; CO 1030/10932, item 11, J.D.Higham to A.A.Gold, 19 February 1963.

¹⁷⁰BA/14191/78, Report on Discussions between the Brunei Delegation and the Government of the Federation of Malaya held in Kuala Lumpur on 25 and 26 September 1962, 29 September 1962.

reserved his position.¹⁷¹ He sent a delegation of observers to the Inter-Governmental Committee meetings, which began on 22 October, in Jesselton.¹⁷² The Committee, whose members comprised representatives of the Governments of Britain, Malaya, North Borneo and Sarawak, was set up to work out the future constitutional arrangements for Malaysia and the form of safeguards for North Borneo and Sarawak. It was under the chairmanship of Lord Landsdowne, the British Minister of State for Colonial Affairs, and its deputy chairman was Tun Abdul Razak. The North Borneo Legislative Council and the Sarawak Council Negeri had meanwhile passed resolutions welcoming in principle the decision to establish Malaysia by 31 August 1962.¹⁷³

While the Sultan and his advisers were pondering on the alternatives for the future of Brunei, the Malaysians decided to talk to the PRB, to bring Brunei into the Federation of Malaysia. In early October a delegation of UMNO members, which included two Malayan Cabinet Ministers (Ghafar bin Baba and Dato Senu bin Abdul Rahman) came to Brunei to woo the PRB and to extend Tunku Abdul Rahman's invitation for a meeting in Kuala Lumpur. After the impasse with the Brunei Government the Malaysians seem to have accepted that they had little alternative but to talk to the PRB which had the solid support of the people in Brunei. Thus, around the time when the Sultan officially opened the first meeting of the new Legislative Council, in which sixteen elected members of his Party were included (10 October

¹⁷¹CO 1030/1076, item 6, Sir Dennis White to Secretary of State, 20 December 1962; CO 1030/932, item 11, J.D.Higham to A.A.Golds, 19 February 1963.

¹⁷²*Pelita Brunei*, 7 November 1962.

¹⁷³James P.Ongkili, *The Borneo Response to Malaysia 1961-1962*, Singapore, Donald Moore Press LTD, 1967, pp.74-75. The North Borneo Legislative Council passed the resolution on 12 September and the Sarawak Council Negeri on 26 September.

1962), Azahari slipped off quietly to meet Tunku Abdul Rahman in Kuala Lumpur.

Azahari claimed to have put forward to the Tunku a list of demands as a basis for negotiations prior to merger. They were: unification of North Borneo, Brunei and Sarawak under a new state to be called Negara Kesatuan Kalimantan Utara or the Unitary State of Kalimantan Utara; recognition of the Sultan of Brunei as the sovereign constitutional head of Kalimantan Utara to be known as Sri Mahkota; free and democratic elections to be held in Kalimantan Utara to elect a responsible government; and independence for Kalimantan Utara. When these demands had been agreed, discussions should be held between the Government of Kalimantan Utara and the Government of Malaya to bring about the Federation of Malaysia, based on two equal partners. Azahari said the Tunku asked him for three weeks to think about the proposals.¹⁷⁴

Following this meeting Azahari said that while he was travelling by train from Kuala Lumpur to Johore, Tun Abdul Razak, who happened to be travelling on the same train, invited him to his first class compartment. Prompted by a question about his demands to the Tunku, Azahari claims that Tun Abdul Razak said:

"You are a Malay leader; I am a Malay leader; and the Tunku is a Malay leader. Why do we not just unite and lead our Malay people to the future. The Tunku remains as the Prime Minister; I would be the First Deputy Prime Minister, and you would be the Second Deputy Prime Minister".¹⁷⁵

He also claimed that on that occasion Tun Abdul Razak suggested the Tunku might be prepared to consider allowing one or two of Azahari's friends in the PRB to be

¹⁷⁴Interview with Azahari, February 1993.

¹⁷⁵*Ibid.*

included in the Federal Cabinet. Azahari told Tun Abdul Razak that this could certainly be discussed when Malaysia had been formed, but he would not sacrifice his principles for "political bribery".¹⁷⁶

If Azahari's story is accepted there was probably one important factor which influenced his stand on Malaysia from the time he left Brunei to the time he met the Tunku. Despondent after the Sultan gave him a cold shoulder, Azahari was prepared to discuss Brunei's entry into Malaysia with the Malaysians. However just when the discussion was about to be held, he probably received a message from Stephen Yong of SUPP informing him that he (Stephen Yong) had received a letter from the United Nations dated 8 October, saying that their Joint Memorandum had been considered by the United Nation Sub-Committee on Petitions, and that the latter had decided to forward it to the Committee of Twenty-Four for a hearing. The petitioners were requested to send their representatives as soon as the date had been fixed for the meeting of the Committee.¹⁷⁷ This was a significant development for Azahari, who might yet see his dream of creating Kalimantan Utara come true. Thus he reverted to his policy of unification of the Borneo territories.

The "detente" between the PRB and the Malaysians had been watched with anxiety by the Sultan and his advisers. Immediately on his return from Malaya, probably towards the end of October, Azahari says that he was summoned to the Palace. When he arrived there he was received by the Crown Prince, the present ruler, who led him to his father's study on the upper floor. During the "four-eyes" meeting, Azahari said the Sultan asked him whether it was true that Azahari had met the Tunku

¹⁷⁶*Ibid.*

¹⁷⁷The letter from the UN is in Haji Zaini Haji Ahmad, *op.cit.*, p. 173.

at Kuala Lumpur, and if he could know what had transpired during the meeting. Azahari informed the Sultan that he was invited by the Tunku to discuss his Party's demands for Brunei joining the proposed Federation of Malaysia. He told the Sultan that he had informed the Tunku that before any discussion on joining the proposed Federation could be held the Tunku had to agree to his proposals for the formation of an independent Kalimantan Utara, with the Sultan of Brunei as the constitutional ruler. Azahari said that the Sultan was happy to hear what transpired at the meeting and added that the Sultan gave him his full support. Azahari also said that the Sultan told him that he had also received representations from North Borneo and Sarawak asking for his agreement to a Federation of Brunei, North Borneo and Sarawak and inviting him to be the constitutional ruler of the Borneo Federation.¹⁷⁸

Assuming Azahari's story is true, several conclusions could be deduced: the Sultan had perhaps accepted the inevitable, a constitutional form of government; perhaps the Sultan had rejected the Malaysia Plan and looked to Borneo for solutions to security and stability for the future of his small Sultanate, which meant he accepted the federation of the three Borneo territories which he had fiercely opposed in the past; perhaps the Sultan merely used Azahari as leverage to extract more concessions from the Malaysians; perhaps the Sultan was merely distracting Azahari from joining forces with the Malaysians at his expense; or perhaps the Sultan, like Azahari, wanted to wreck the Malaysia Plan.

Meanwhile Azahari's plan to present a united voice of the three Borneo territories in the United Nations faced an obstacle when G.S.Sundang, of the Pasok Momogun Party, withdrew his name from the joint petition to the world body.

¹⁷⁸Interview with Azahari, February 1993.

Sundang was under pressure to withdraw from the PRB-led action, both from the Malaysians and the British who did not want any distraction from their plan to create a Malaysia Federation by 31 August 1963. He also faced pressure from some leaders within his own Party and the leaders of the other four parties in North Borneo, who wanted to maintain a united voice in order to get the best possible concessions from the Malaysians during the Inter-Government Committee meeting which was about to take place.¹⁷⁹ Without Sundang, Azahari's case could not be sustained: there was no representative to speak on behalf of the people in North Borneo. But Azahari hoped that Sundang would change his mind and said that if Sundang stuck to his principles the people of North Borneo would support him in his anti-Malaysia stand.¹⁸⁰

However Azahari believed that Sundang's problem was not as pressing as the problem of the Philippines' claim to North Borneo. The Philippines' claim, which was based on the proprietary rights of the heirs of Sultan Jamalul Kiram of Sulu Sultanates to a portion of North Borneo, was made official by President Macapagal in June 1962.¹⁸¹ Macapagal called on the British and the Malayan Governments to discuss the

¹⁷⁹The news of Sundang's decision to withdraw from the joint petition was first revealed by Dr. Lim Swee Aun, the Federation of Malaya Minister of Commerce and Industry after returning from North Borneo. Claiming to have a signed statement from the leader of the Pasok Momogun Party, the Minister said the Party had decided to join the Alliance of the four other parties to back the Malaysia Plan. See: *The Borneo Bulletin*, 20 October 1962.

¹⁸⁰*The Borneo Bulletin*, 27 October 1962.

¹⁸¹On the Philippines' claim to North Borneo (Sabah) see among others: Ariff, Mohamed O., *The Philippines' Claim to Sabah: Its Historical, Legal and Political Implications*, Kuala Lumpur, Oxford University Press, 1970; Lela Garner Noble, *Philippine Policy Toward Sabah. A Claim to Independence*, Arizona, The University of Arizona Press, 1977; Nicholas Tarling, *Sulu and Sabah: A Study of British Policy Towards the Philippines and North Borneo from the Late Eighteenth Century*, Kuala Lumpur, Oxford University Press, 1978.

matter. But the British refused to entertain the call because they recognised that the Philippines had little legal justification and the claim was strongly opposed by the people in North Borneo. The fact that the claim was put forward at the time when the British and Malayan Governments were almost reaching an agreement on the formation of the Malaysia Federation, which included the North Borneo territory, suggests that the Filipinos were anxious over their security rather than voicing a genuine national aspiration. Azahari knew the arguments for the claim by the Filipinos. In late October Azahari, accompanied by two senior members of his Party, flew to Manila in a mission to "neutralise" the Philippines' claim and to turn the dispute to his advantage.¹⁸²

In Manila Azahari and his colleagues were guests of Nacasio Osmena, the legal adviser to the heirs of the Sulu Sultan. Discussion between Azahari and his host concluded with an understanding that if Kalimantan Utara came into being, with full sovereignty over the three Borneo territories, Azahari would be prepared to recognise the rights of the Sultan of Sulu's heirs over a portion of North Borneo. However that would be possible only if the Philippine Government dropped its claim to North Borneo. This prompted Osmena, who wanted to capitalise on a cash settlement on the heirs' rights, to arrange a meeting between Azahari and the Vice President Emmanuel Pelaez, who was also the Secretary for Foreign Affairs. Azahari explained his Party's policy with regard to the Malaysia Plan and to the formation of an independent

¹⁸²Interview with Azahari, February 1993; *The Borneo Bulletin*, 3 November 1962. In June 1962 when the Philippines' claim to North Borneo created a storm of protest in the territory, Hapidz Laksamana, the Vice President of the PRB, called on the British Government to forestall the Filipino claim by making the Sultan of Brunei ruler of the three Borneo territories of North Borneo, Sarawak and Brunei. See: *Ibid.*, 30 June 1962.

Kalimantan Utara. He requested the Philippine Government to drop its claim to North Borneo because it had no support in the territory. Instead he requested the Philippine Government to lend its support to the struggle of the people in the Borneo territories for independence.¹⁸³ Azahari told Pelaez that he, together with Stephen Yong of Sarawak and Sundang of North Borneo, had submitted a Joint Memorandum to the United Nations opposing the formation of Malaysia and supporting the formation of Kalimantan Utara, that their memorandum had been considered by the United Nations, and that he was waiting to appear before the world body to present his case. Azahari said later that Pelaez was concerned with the security threat to his country, as the result of the formation of Malaysia Federation, and for that reason his Government was calling for the formation of a Confederation of Malaysia which would include the Philippines. Azahari told Pelaez that the Kalimantan Utara he envisaged would be a strong and viable state because it was based on the people's aspiration rather than imposed on the people, like the Malaysia Federation; and he saw it as compatible with the Philippines' concept of confederation. Azahari said Pelaez was satisfied with his explanation and told him that he (Pelaez) believed his Government would be sympathetic to Azahari's request for support.¹⁸⁴

The Philippine Government probably saw Azahari's request for support for his proposals for the formation of Kalimantan Utara, and to oppose the formation of Malaysia, as coming at the right time. President Macapagal and Pelaez knew that

¹⁸³Interview with Azahari, February 1962; *The Borneo Bulletin*, 10 November 1962.

¹⁸⁴Interviews with Azahari, February 1993 and Haji Zaini, December 1992; Haji Zaini Haji Ahmad, *Pertumbuhan Nasionalisme di Brunei 1939 - 1962*, Kuala Lumpur, ZR Publications, 1989, pp.135-138. Haji Zaini was one of the PRB's leaders involved in the discussion.

supporting Azahari openly at the United Nations would cause embarrassment to the British and Malayan Governments, at the time when they needed international support to realise their Malaysia Plan. President Macapagal and Pelaez seized this opportunity to their maximum advantage. Firstly it would put pressure on the British to agree for talks if only to save face. Secondly, even though the formation of Kalimantan Utara would be incompatible with their policy on North Borneo, it would be better than to see the realisation of the Federation of Malaysia, which in any case, would include North Borneo. They were opposed to the concept of Malaysia because they believed it would endanger Philippines security

"on the grounds that the island chain found comfort and protection in their isolation from the mainland; to link the three Borneo territories juridically with a weak mainland Power, which might easily be overwhelmed by Red China meant danger to Filipino shores".¹⁸⁵

They would rather see the formation of an independent State of the three Borneo territories, which could not only "act as a buffer between the Philippines and Indonesia" but also could "prevent contamination [communism] spreading from fellow travellers in Singapore".¹⁸⁶

The first sign of a positive reaction from the Philippines Government to Azahari's request for support came when the Philippine Ambassador in the United Nations said that his Government would stop Britain from transferring North Borneo to Malaysia. Following Azahari's line the Ambassador said "the present transfer arrangements contained no provision for the exercise of self-determination by the

¹⁸⁵CO 1030/1068, item 100, Manila to Foreign Office, 9 December 1962.

¹⁸⁶CO 1030/1071, item 315, Manila to Foreign Office, 12 December 1962.

North Borneo people".¹⁸⁷ Azahari, for his part, tuning to the Filipinos' anxiety over its security, said, "the entry into Malaysia of Sarawak, North Borneo and Brunei would throw those countries wide open to insidious in roads by the Red menace". He also said that after the formation of an independent Unitary State of Kalimantan Utara "a Confederation of Malaysia could be formed, as envisaged by President Macapagal".¹⁸⁸

While in the Philippines Azahari was gaining support from politicians including the Chairman and Vice Chairman of the Philippine Congress, Veleral and Pendatun respectively, who promised to help to lobby the American Congressmen and Senators to counter the influence of the British in the United Nations. Osmena also introduced Azahari to Hermenegildo Atienza, a Political Adviser to President Macapagal and the Commissioner of Repatriation. Encouraged by this overwhelming support and sympathy from the Filipinos, and probably on their advice, Azahari instructed his Party in Brunei to introduce anti-Malaysia motions in the Legislative Council, which was due to meet on 5 and 6 December 1962.¹⁸⁹ Thus on 24 November the PRB wrote to the Speaker of the Council and asked for the inclusion of its motions at the forthcoming meeting. 'The motions were: that the British Government should revoke the Malaysia Plan on the ground that it formed a denial of the right of self-determination; that the Council give its mandate to the representatives of the PRB to bring the aspirations of the people before the United Nations; that North Borneo and Sarawak be returned to the sovereignty of the Sultan of Brunei; that the two territories,

¹⁸⁷*The Borneo Bulletin*, 1 December 1962.

¹⁸⁸*Ibid.*, 8 December 1962.

¹⁸⁹*The Borneo Bulletin*, 10 November 1962.

with Brunei, form a Unitary State of Kalimantan Utara; that the Sultan of Brunei be installed as the Constitutional Ruler of the Kalimantan Utara; that Kalimantan Utara should have a democratic form of government; and that full independence should be granted in 1963.¹⁹⁰ As will be seen in the next chapter these motions were summarily rejected by the Speaker, and the consequences were devastating.

¹⁹⁰Haji Zaini Haji Ahmad, *op.cit.*, pp. 183-191; *The Borneo Bulletin*, 1 December 1962.

CHAPTER 8

THE REBELLION, PACIFICATION AND NORMALISATION

The period September to December 1962 was one of the most critical periods in the political and constitutional development of Brunei. During this period the leading political party, the Partai Rakyat Brunei (PRB), sought a bigger role in the political decision-making process and this had serious implications. Further, Brunei was under pressure to decide on its entry into the Malaysia Federation. The period marked a turning point in Brunei's modern history as it determined the shape of the emerging nation. This chapter will examine the events leading to the outbreak of the rebellion in December 1962, the steps taken to suppress it and the constitutional and political developments that followed.

8.1 The Tentara Nasional Kalimantan Utara and the Rebellion

While pursuing constitutional means of achieving their aims Azahari and some leaders of the PRB had formed an underground movement called the Tentara Nasional Kalimantan Utara (TNKU) or the National Army of North Kalimantan. Its formation was a direct response to Tunku Abdul Rahman's Malaysia Plan, which was against the PRB's objective of forming an independent federation of the Borneo territories called Kalimantan Utara. Both the Sultan and the Tunku had underestimated the PRB's commitment to Kalimantan Utara. In his endeavour to bring the Borneo territories under the Malaysia Federation the Tunku had alienated the PRB. The Sultan's refusal

to discuss the Constitutional changes and the Malaysia issue with the PRB leaders offended the Party. When the Sultan announced at the end of July 1961 that he had decided to postpone the elections scheduled for September for a year the PRB suspected that both the Sultan and the Tunku were planning to bring Brunei into the Federation without consulting the people. This apprehension led to the PRB's decision to form the TNKU in August 1961 with the main objective of opposing the formation of Malaysia and bringing about the realisation of Kalimantan Utara.

The TNKU was a military wing of the PRB. The responsibility for organising the movement was given to a small committee within the leadership of the Party under the chairmanship of the Secretary-General, Yassin Affandi. Among the members of the committee were Hidup bin Awang Besar, Jais bin Haji Karim, Mesir bin Keruddin, Abdullah bin Jaafar and Shiekh Osman bin Shiekh Mahmaud.¹ Interestingly Jais bin Haji Karim had been one of the leaders of an underground movement in October 1953 which plotted to overthrow the British Administration in Brunei.² In an interview in February 1993 Azahari claimed that, although he gave his approval he was not directly involved in organising the TNKU.³

The TNKU leaders decided to provide military training for their members. It is not known whether this was a response to the fact that sixty recruits of the Brunei Malay Regiment had been undergoing military training in Malaya since the middle of

¹Interviews with Azahari, February 1993; Yassin Affandi, December 1992 and June 1993; Mesir bin Keruddin, December 1992; and Jais bin Haji Karim, April 1993.

²See above page 124.

³Interview, February 1993.

the previous year.⁴ But both Azahari and Yassin Affandi later insisted that the main objective of the TNKU was to defend the new state of Kalimantan Utara.⁵ The plan was that once Kalimantan Utara achieved independence, presumably by constitutional means, the TNKU would become a regular army. In December 1961 Azahari, Yassin Affandi, and Abdullah bin Jaafar attended the Partindo (Partai of Indonesia) Congress in Jakarta. Azahari and Yassin Affandi claim that Partindo adopted a resolution supporting the PRB's struggle for the independence of Kalimantan Utara.⁶ It is likely that during this time some understanding may have been reached between the PRB leaders and certain Indonesian politicians on assistance (in terms of training and weapons) to the TNKU. Many Indonesians might have sympathised with the PRB because they were concerned with the Malaysia Plan which had been agreed by the British and Malayan Governments in November 1961. In addition the Indonesians had a declared policy of supporting nationalist movements wherever, and whoever, they were. It was probably through the leaders of the Partindo that the plight of Azahari was brought to the attention of the Indonesian leadership.

In March 1962 Azahari and Yassin again went to Jakarta. This time they claim that they met Brigadier-General Sambas Atmadinata, the Minister of Veteran's Affairs, and General Nasution, the Minister of Defence and Security and Chief of Staff of the

⁴The first batch of the Brunei Malay Regiment was sent for training in Malaya on 31 May 1961. See: *The Borneo Bulletin*, 3 June 1961.

⁵In separate interviews: Azahari in February 1993 and Yassin Affandi in December 1992 and June 1993 claim that when they first formed the TNKU in August 1961 a rebellion was only a remote possibility. Both say that the main objective of TNKU was to form an army for the preparation for achieving an independent new State of Kalimantan Utara.

⁶Interviews with Azahari, February 1993 and Yassin Affandi, December 1992 and June 1993.

Armed Forces. Azahari explained to the top military leaders that the aim of his Party was to struggle for an independent Kalimantan Utara but that the British were determined to force the people of the territories to join the Malaysia Federation. For that reason he came to Indonesia to seek assistance in training and weapons for the freedom fighters of Kalimantan Utara. Azahari and Yassin claim that both Sambas and Nasution were sympathetic to their struggle and were prepared to receive a number of TNKU recruits for immediate military training in Jakarta.⁷

In mid-April 1962 more than twenty young men, mostly from Kilanas and Temburong and a few from Kampong Ayer, were secretly sent to Jakarta for military training. Due to a lack of funds to pay for their air passage most of the TNKU recruits were sent by land, trekking across the Borneo jungle to Tarakan in the Kalimantan Indonesia from where they travelled by sea to Jakarta. A guide from Kalimantan was engaged to lead the recruits through the jungle track. Some eight recruits were sent by air; but their fares were paid in part by the recruits themselves.⁸

After trekking for about twenty-one days the recruits reached Malinau, a military post in Kalimantan. As they did not have proper travelling documents, the recruits were arrested by the district Military Commander and ordered to march back to where they came from. But when they reached Merapok, a small town in the Lawas district of the Fifth Division of Sarawak from where they had begun their trek, they were ordered to march back again by Yassin Affandi after he promised to rectify the problem with the higher authorities in Jakarta. Yassin sent his representative,

⁷*Ibid.*

⁸Interviews with Yassin Affandi, December 1992 and June 1993; and Mesir bin Keruddin, December 1992.

Mohammad bin Haji Mangol, to receive the recruits in Manilau and to arrange for their immediate departure to Jakarta. An additional twenty or more recruits were also sent for training.⁹

The second batch of the TNKU recruits contained a number of young men from the Lawas district of Sarawak and the Sipitang district of North Borneo. The people in these areas, particularly along the coast, were mainly Brunei Malays, Kedayans and Bisayas. They were closely linked, socially, culturally and economically, with Malays in Brunei. In fact these "Brunei societies" covered the area from Weston in North Borneo (including the Labuan Island) through the whole of the Fifth Division of Sarawak and Brunei to Sibuti in the Fourth Division of Sarawak. It was understandable that most of the people from these areas opposed the Malaysia Plan and expressed their desire to be brought closer to Brunei. But when they found that the channels for expression were closed they decided to join the TNKU.

In January 1962 the Malays in Labuan submitted an application to register a political party, the Angkatan Desa Bersatu, whose aims, among others, were: closer association of the Borneo territories in accordance with the old Sovereignty of the Sultan of Brunei; the formation of a United States of Borneo under the Sultan of Brunei, prior to consideration of Malaysia; and the return of Labuan to Brunei.¹⁰ But the application was rejected by the Government of North Borneo. Their appeals in July, August and October 1962 were also rejected. The authorities found out that

⁹*Ibid.*; Interviews with Mohammad bin Haji Manggol, January 1993 and Baha bin Momin, April 1993. Baha bin Momin was one of the recruits who went to Kalimantan by land.

¹⁰CO 1030/932, item 11B, Local Intelligence Report, North Borneo, November 1962.

the proposed party had close connections with the PRB. In May 1962 the people in the Sipitang district also attempted to register an organisation known as Angkatan Rakyat Sabah but their application was also rejected on the same grounds.¹¹

When the Cobbold Commission visited Lawas district in March 1962, to ascertain the views of the people on the Malaysia Plan, the Barisan Pemuda Sarawak branch in the district went against its parent organisation in Kuching and handed a memorandum to the Commission opposing the Malaysia Plan and declaring its support for an independent union of the Borneo territories.¹² The Commission also received a similar memorandum from the people in Limbang district; and in February a group of people in the latter district, claiming to represent the views of over eight thousand natives, sent a letter to the Sarawak Government (with a copy to the British and Brunei Governments) demanding the return of Limbang to Brunei before the creation of the Malaysia Federation.¹³

Meanwhile the TNKU recruits had reached Manilau. This time they were not deported but confined to Manilau until Mohammad bin Manggol came to take them to Jakarta. Unfortunately while waiting for the recruits to arrive, Mohammad ran into trouble with the local Military Commander in Tarakan, who suspected him of being a foreign spy after he took some pictures with his camera. Mohammad was detained and released only in March 1963 when President Sukarno needed a stalking-horse for his "crush Malaysia campaign". Further he claims that he was known under different

¹¹*Ibid.*

¹²*The Borneo Bulletin*, 17 March 1962.

¹³*Ibid.*, 24 March 1962.

name in Indonesia which led to some confusion when the recruits asked for him.¹⁴ After three months without contact with Mohammad, some of the recruits began to lose patience and decided to return to Brunei by trekking back along the same route.¹⁵

When the TNKU recruits reached Brunei in mid-August 1962, the election fever was at its height and the Malaysia Plan was the main issue. The Sultan had announced his acceptance of the Malaysia Plan in principle, and the Legislative Council had given its mandate to the Sultan to negotiate with the Malayan and British Governments the terms and conditions for Brunei's entry into the Federation. There was no time to ponder over what had gone wrong with the TNKU training programme in Indonesia; it had to organise its own training.

Thus from the end of August more young men were recruited and secret training grounds were set up in jungle clearings all over the State, and in the adjacent areas of North Borneo and Sarawak where the PRB supporters were strong. In order to avoid detection the TNKU was organised into several areas and each area comprised several independent units. The central committee of the TNKU had little control over the various units. Each unit was responsible for its own recruitment and training. Each unit was linked to the central committee through the area commander who was usually the PRB branch leader. The training of the recruits was done, in the evening after work or at night, by some of its own members who had some training as former police constables or who underwent military training during the Japanese

¹⁴Interview with Mohammad bin Maggol, January 1993.

¹⁵There were not more than fifteen recruits left behind. Among them was Baha bin Momin who said some time after the rebellion broke out in Brunei they were given training by the Indonesian Military and sent to the border with several hundred Indonesian volunteers during the "Konfrantasi". Interview with Baha bin Momin, April 1993.

occupation. Training mainly consisted of drill, combat techniques, and *silat* - an art of self-defence. Because of a lack of funds the TNKU had no weapons other than a few shotguns; during the training the trainees used "dummy guns". Meagre finance came mainly from branch funds, through subscriptions and the proceeds of sales of the PRB emblems and badges and of Azahari's picture.¹⁶

As the date for the formation of Malaysia approached, the TNKU activities increased. Members of the TNKU and training grounds increased, which made them more liable to detection by the authorities. In early September 1962 the authorities in North Borneo discovered "twenty-three wooden rifles and half-used bamboo torch" from "a clearing-cum-parade ground" in Sipitang district, and in mid-November from another parade ground in the same district. On the 20 November the North Borneo Police received information from its counterpart in Brunei

"that during the past two or three weeks, a considerable number of young Malays between the ages of 20 and 35 had been buying shirts and slacks made of green material... [and there was] ...an increase in the sales of jungle hats, Army webbing haversacks and sheath knives".¹⁷

On 22 November 1962 the Police in Brunei discovered a "parade ground" in Temburong district and a bag containing a flag and some documents related to the PRB. These discoveries culminated in the arrest on 25 November of seven persons in Lawas district in Sarawak and the further arrest of four persons from the same area two days later. From the interrogations of the prisoners, and from uniforms, badges

¹⁶CO 1030/1068, Minutes of Intelligence Meeting held at Lawas on 28 November 1962.

¹⁷CO 1030/932, item 11B, Local Intelligence Report, North Borneo, November 1962.

and documents discovered in their possession, the authorities for the first time had evidence of the existence of the TNKU movement. Although they found that it was connected with the PRB in Brunei the authorities failed to get definite proof of its link with the Central Committee of the Party.¹⁸

The arrests in Lawas caused panic and tension among the members and leaders of the TNKU in Brunei. They feared that the arrests had exposed their organisation and believed that it was just a matter of time before the authorities acted against them. Some leaders of the TNKU strongly demanded that the rebellion be launched immediately.¹⁹ This critical situation prompted Hapidz Laksamana, the Deputy President, Yassin Affandi, the Secretary-General, and Pengiran Metussin, a member of the Central Committee of the PRB, to fly to Manila immediately to confer with Azahari, who was in Manila discussing with Filipino politicians on Manila's claim to North Borneo and his plan to go to the United Nations.²⁰ On hearing about the discovery of the TNKU in Lawas, Azahari was shocked and furious. He instructed Yassin to send a coded cable immediately to Hidup bin Awang Besar, Deputy Secretary-General of the PRB ordering the TNKU not to act until he returned from the United Nations, which meant at least until Christmas when the United Nations General Assembly ended.²¹ This probably means that the rebellion was to be launched if he failed to stop

¹⁸CO 1030/1068, Minutes of Intelligence Meeting held at Lawas on 28 November 1962.

¹⁹Interview with Yassin Affandi, December 1992 and June 1993; Mesir bin Keruddin, December 1992; and Jais bin Haji Karim, March 1993.

²⁰See pages 338-341.

²¹Probably this was the reason why the interrogation of rebels in Limbang after the rebellion indicated the rebellion was originally planned to coincide with Christmas. See: CO 1030/1073, item 432A, Sarawak to Colonial Office, 15 December 1962.

the formation of Malaysia in the United Nations. He asked the three leaders to return to Brunei immediately to calm the TNKU. He instructed Hapidz Laksamana to contact Stephen Yong of SUPP and G.S.Sundang of Pasok Momogun Party to urge them to proceed immediately to the United Nations. Azahari also gave Hapidz Laksamana a letter from the Kiram Corporation, to be delivered to the Sultan of Brunei, proposing an agreement on transferring the Sultan of Sulu's heirs rights over North Borneo to the Sultan of Brunei in return for compensation.²² He asked Yassin Affandi to proceed with the plan to hold the North Kalimantan People's Conference against Malaysia, and specifically instructed him to secure resolutions rejecting the Malaysia Plan and calling for unification of the three territories. This was to strengthen his case in the United Nations.²³

When Hapidz Laksamana, Yassin Affandi and Pengiran Metussin reached Brunei, probably at the end of November or in early December, the atmosphere was tense. Many TNKU members had gone into hiding. Tension increased when on 3 December the Speaker of the Legislative Council informed the PRB that their anti-Malaysia motions could not be accepted because they concerned the British and Malayan Governments and the Council was not competent to discuss them (see page 342-343).²⁴ At the same time the Speaker decided to postpone the meeting of the Council from 5 December to 19 December. No particular reason was given for the

²²A copy of the letter is in Haji Zaini Haji Ahmad, *Partai Rakyat Brunei: Selected Documents*, Kuala Lumpur, INSAN, 1987, p. 181.

²³Interview with Azahari, February 1993; Yassin Affandi, December 1992 and June 1993.

²⁴The letters from the Speaker are in Haji Zaini Haji Ahmad, *op.cit.*, pp.183-191; See also *The Borneo Bulletin*, 1 December 1962.

postponement. But interestingly the Inter-Governmental Committee, which was meeting in Jesselton to discuss the constitutional arrangements and the form of safeguards for North Borneo and Sarawak under the Malaysia Federation, was scheduled to conclude its Kuala Lumpur meeting on 20 December. It was probably not a coincidence.

If the PRB's motions got through the Legislative Council it would not only be an embarrassment to the British and Malayan Governments but it would also annul the mandate given to the Sultan by the Legislative Council to discuss Brunei's entry into the Malaysia Federation. Significantly Sir Dennis White made an analysis of the composition of the Legislative Council on 27 October and found it was "overwhelmingly anti-Malaysia".²⁵ Therefore it was not in the Government's interest to allow the PRB motions to be tabled in the Legislative Council, at least until the meetings of the Inter-Governmental Committee concluded.

On 1 December the Tunku told the British High Commissioner in Kuala Lumpur that he had received information from the Legal Adviser of Brunei (Dato Abdul Aziz) and from a Malayan member of Staff of Radio Brunei who had just returned to Kuala Lumpur, of plans for an early rebellion organised by the PRB. He suggested that the British should be prepared to take emergency action and suggested that Lord Selkirk should visit Brunei immediately to assess the situation.²⁶ He told Lord Selkirk that unless the British and Brunei Governments were able to protect

²⁵CO 1030/933, item 10, White to J.D.Higham, 27 October 1962.

²⁶CO 1030/1068, item 1, Kuala Lumpur to Commonwealth Relations Office, 1 December 1962.

Malayan officers and their safety he would withdraw them.²⁷ The Commissioner-General reassured him that everything was alright. But, the Commissioner-General reported, the Tunku was anxious that "any movement [probably against his Malaysia Plan] should be nipped in the bud".²⁸ Probably Dato Abdul Aziz had also told the Tunku of the PRB's motions and had suggested to him that it was likely that if the motions were defeated the PRB would launch a rebellion. Either the Tunku purposely did not tell this to Lord Selkirk or the British did not take it seriously. But it is possible that when the British did not take action to "nip" the PRB in the "bud", the Tunku instructed the Legal Adviser to advise the Speaker to reject the embarrassing motions and to postpone the meeting of the Legislative Council. The purpose was either, as suggested earlier, to avoid embarrassment or to provoke the PRB and TNKU to create trouble in order to allow action to be taken against them and stop Azahari from going to the United Nations to campaign against the Malaysia Plan. But interestingly in a statement to the Malayan Parliament three days after the rebellion the Tunku said:

"The rebellion has every indication of being preconceived for some time. In fact it was planned to occur after Party Ra'ayat's motion has been rejected by the Legislative Council. Unfortunately the Legislative Council [meeting] was postponed and hence the rebellion broke out for the purpose not originally intended (sic)".²⁹

²⁷CO 1030/1073, item 457, A Translation of the Statement made by Tunku Abdul Rahman in the Malayan Parliament on 11 December 1962.

²⁸CO 1030/1068, item 1, Kuala Lumpur to Commonwealth Relations Office, 1 December 1962; Ibid., item 8, Lord Selkirk to the Colonial Office, 3 December 1962.

²⁹CO 1030/1073, item 457, "A Translation of the Statement made by Tunku Abdul Rahman in the Malayan Parliament on 11 December 1962" issued by the Malayan

Whatever the motives or whether the PRB had any plan such as the Tunku suggested, the postponement of the Legislative Council and the rejection of the PRB's motions aggravated the tense atmosphere. They justified the views of those within the PRB who favoured confrontation to achieve their aims. This was the last straw for the militant members of the PRB. Probably on 4 or 5 December Sheikh Osman, the younger brother of Azahari who held the rank of "Brigadier-General" in the TNKU, was despatched to seek the go ahead from Azahari, who had returned from Manila to his family in Johore.³⁰

It is not known what transpired during the meeting between Sheikh Osman and Azahari. However, Azahari said later that he was furious and begged his brother and the TNKU leaders to reconsider the decision to rebel. But Sheikh Osman told him that, whether he liked it or not, the rebellion was now no longer avoidable. Osman advised Azahari not to return to Brunei, but warned that he must support their cause or otherwise they would label him a "traitor". After hugging each other the two brothers parted in tears.³¹

There is no way to verify Azahari's story, because Shiekh Osman was killed in a shootout with the security forces in May 1963. But what seems to have happened is that Azahari departed with his wife, child and father-in-law to Manila from Singapore on the Friday morning, 7 December 1962.³² That afternoon he cabled

Information Department on the same day.

³⁰Azahari was reported arrived in Singapore from Manila on 30 November. See: *Straits Times*, 1 December 1962.

³¹Interview with Azahari, February 1993.

³²Azahari was reported to have left by air for Manila from Singapore at 10.15 hours on Friday, 7 December 1962. See: CO 1030/1068, item 48, Kuala Lumpur to

orders to start the rebellion from Manila and instructed that communications with him should be channelled through Nacasio Osmena.³³ What had changed Azahari's mind, if it had indeed changed? It was reported that he saw Lim Chin Siong, the leader of Barisan Sosialis of Singapore, the day before he left for Manila.³⁴ Did Azahari seek advice from him? He may also have sought advice from his lawyer friend, Osmena, as soon as he arrived in Manila. Probably the argument for rebellion was that it would help to focus international attention on Brunei, and thus would strengthen Azahari's case in the United Nations. Another possibility is that he was informed by Zaini bin Haji Ahmad, who arrived in Singapore from Brunei on 6 December, that the authorities were contemplating some actions against the PRB leaders.

Lord Selkirk was in Brunei on the same day, having discussions with the Sultan prompted by the Tunku's complaints about the imminent outbreak of rebellion in the State. Among the decisions agreed upon were: to bring in a Malayan Special Branch Officer; to extend beyond the end of the month the stay of the Malayan Police contingent in Brunei; to bring in a military liaison officer from the British force in Singapore; and to establish a consultative committee with Sarawak and North Borneo to review action against the TNKU. The Commissioner-General said that during the meeting, the *Menteri Besar*, who had no doubt of the association between Party akyat and Azahari and TNKU, suggested taking repressive measures against the PRB

Commonwealth Relations Office, 8 December 1962.

³³*Manila Chronical*, 8 December 1962; CO 1030/1068, item 90, Manila to Foreign Office, 9 December 1962.

³⁴CO 1030/1068, item 98, Commissioner-General to Foreign Office and Colonial Office, 9 December 1962.

leaders.³⁵ In a close society such as Brunei - moreover Zaini's father was one of the Sultan's advisers - it possible that information may have leaked from the meeting prompting Zaini's expeditious exit from Brunei.³⁶ This convinced Azahari of what Sheikh Osman had told him: that the rebellion must be launched before the authorities made a move against the PRB and the TNKU.

Once the orders from Azahari were received they were passed by couriers to TNKU's Commanders, State wide, and to the adjacent areas in North Borneo and Sarawak. "About mid-day" on 7 December the Acting High Commissioner in Brunei "was informed on the 'safe' telephone by Mr. Linton, the Shell Managing Director in Seria, that the Resident, Miri [Sarawak], Mr. Fisher, had received what he regarded as reliable information that a revolt was timed to start in the early hours of Saturday morning".³⁷

The information was passed to Lord Selkirk, who was about to embark on a plane to Singapore, and to the Dato Marsal, who was with the Commissioner-General at the airport. The *Menteri Besar* immediately relayed the information to the Sultan, who ordered the Police to take precautions.³⁸

³⁵CO 1030/1068, item 17, Lord Selkirk to Foreign Office, 7 December 1962.

³⁶During a press conference in Manila on 8 December Zaini, who had only "a pair of khaki pants and shirt" with him, related journalists of his narrow escape from Brunei after being "tipped off that he was going to be arrested for distributing 'seditious' propaganda against suspension of the session of the Legislative Council". See: *The Sunday Chronicle*, 9 December 1962.

³⁷CO 1030/1076, item 6, High Commissioner to Secretary of State 20 December 1962. See also CO 1030/1068, item 17, Lord Selkirk to London, 7 December 1962.

³⁸Interview with Dato Marsal, May 1993.

That evening, 7 December, the TNKU members and their commanders began to gather at various secret points in every town to await the start of the revolt. In Brunei Town the focal point was Sumur, on the outskirts of the town. By mid-night several hundred TNKU members had gathered in silence in the dark in the mosquito infested forest. At exactly two o'clock on Saturday morning, 8 December 1962, Yassin Affandi (the Secretary-General of the PRB) in his capacity as the "Overall Commander" of the TNKU, read out a proclamation of independence in a simple ceremony in front of the TNKU members and some of the PRB leaders. The proclamation said:

"The acknowledged leaders of the people of Sarawak, Brunei and North Borneo, meeting in the name of Liberty, Justice and Humanity, have this day, December 8, 1962, solemnly proclaimed the absolute and complete Independence of Negara Kesatuan Kalimantan Utara [the Unitary State of North Kalimantan] with Sultan Omar Ali Saifuddin as the Constitutional and Parliamentary Head of State".³⁹

The proclamation signalled the start of the rebellion and all units of the TNKU in every town came out from hiding and simultaneously attacked local Police Stations as they had been instructed to do.⁴⁰

By daylight all police stations in Brunei except those of Brunei Town and Panaga in Seria fell to the TNKU. The Seria Oil field was in the hands of the TNKU

³⁹The full text of the proclamation is found in Haji Zaini Haji Ahmad, *Partai Rakyat of Brunei: Selected Documents*, Kuala Lumpur, INSAN, 1987, pp.197-199.

⁴⁰Interview with Yassin Affandi, December 1992 and June 1993; Jais bin Haji Karim, April 1993; and Mesir bin Keruddin, December 1992. During interviews many former leaders and members of the TNKU felt uneasy to refer to the 8 December incident as "a rebellion" but "a revolution" or "a war of independence".

without a single shot, being fired.⁴¹ In Sarawak, after a bloody confrontation, the Limbang Police Station surrendered. A TNKU force numbering about three hundred, occupied Bekenu and Sibuti, the heartland of the movement in Miri district; but it was prevented from moving to Miri by a heavy deployment of police in the town.⁴² In North Borneo the TNKU, numbering about sixty men, overran the Weston Police Station; but when they got ready to attack Jesselton they met with a counter-attack from the police and surrendered.⁴³

While his men were fighting on the battlefield Azahari was campaigning for international support and recognition from Manila. In the morning of 8 December he sent a cable to U Thant, the Secretary-General of the United Nations, asking for recognition of the new state of Kalimantan Utara. He also sent a similar cable to the Commonwealth Prime Ministers' conference in Colombo. He assured them of a peaceful takeover by the new Government. In the press conference which followed, he stated that a revolution had been successfully staged by his 30,000 members of the TNKU and that they effectively controlled twenty big towns in the three Borneo territories of North Borneo, Sarawak and Brunei. He told the press that the members of the TNKU, whom he described as "pure Bornean freedom fighters", had struck because of the tightening pressure by the British on the national movement: specifically the insistence of the British on handing over the three Borneo territories

⁴¹CO 1030/1068, item 24, Acting High Commissioner to Colonial Office, 8 December 1962.

⁴²CO 1030/1068, item 89, Governor of Sarawak to Secretary of State, 9 December 1962.

⁴³CO 1030/1068, items 22 and 143, North Borneo to Colonial Office, 8 and 10 December 1962 respectively.

of North Borneo, Brunei and Sarawak to the Federation of Malaysia without granting the peoples in the three territories the right to self-determination; and the dissolution of the Brunei Legislative Council when it was about to vote on a motion against the integration of the Borneo territories with the Federation of Malaysia. He claimed that he had the support of the Sultan of Brunei, who had earlier appointed him as the Prime Minister, and as the Minister of Foreign Affairs and the Minister of Defence, of the Revolutionary Government of Kalimantan Utara.⁴⁴

Azahari issued the manifesto of the Revolutionary Government, which among other things said:

It has agreed to accept the Sultan of Brunei as constitutional and parliamentary Head of State; it has formed its own army and is well prepared for the defence of the country; it will protect the interest of minorities; it will remain a member of the Commonwealth of Nations; it will apply for membership of the United Nations; it will immediately seek closer economic, cultural and military relations with the Philippines and work for the immediate materialisation of the idea of the Confederation of Malaysia as proposed by President Diosdado Macapagal; its economic policy will be based on national interest and aspiration; it will protect the economic interests of both British and foreigners, provided they are not in conflict with the national interest; and it recognises the individual right of enterprise.⁴⁵

The manifesto concluded with an appeal, in the name of humanitarianism, to the free world for assistance and recognition of the Revolutionary Government, which it

⁴⁴*The Sunday Chronical*, 9 December 1962.

⁴⁵*Ibid.*

stressed was "formed by and for the people of Sarawak, Brunei and Sabah (North Borneo)" and was "neither foreign-inspired nor influenced."⁴⁶

8.2 The British Military Intervention

The British were not entirely in the dark of the plan for the rebellion, but they were caught by surprise at its speed and scale. On 10 December a Colonial Office official told the British Parliament:

"On a number of occasions we have had warnings and information of underground activities of various kinds and have also been warned of troubles that might break out. But previously these warnings have proved to be unfounded".⁴⁷

In these circumstances Sir Anthony Abell had confidently left Brunei for a long holiday in London on 12 November, leaving in charge his A.D.C., W.J.Parks, who apparently had no "authority for liaison with the Sultan and the Government".⁴⁸ Nevertheless a contingency plan ("Plan Ale") had been in place in Singapore since late July 1961 when the High Commissioner had requested military assistance.⁴⁹ Thus as soon as he arrived in Singapore from Brunei on the evening of 7 December after receiving information of the impending rebellion, the Commissioner-General alerted

⁴⁶*Ibid.*

⁴⁷CO 1030/1069, item 209, Colonial Office to New York, 10 December 1962.

⁴⁸CO 1030/1068, item 17, Commissioner-General to Foreign Office, 7 December 1962.

⁴⁹The plan was not put into effect because the emergency situation in Brunei was quickly evaporated. See pages 299-300.

"Plan Ale"; and by morning a force was ready to be sent to Brunei.⁵⁰ When a signal was received from the *Menteri Besar*, saying that the Sultan wished to invoke the protection of the British forces as provided for in the 1959 Agreement, two companies of Gurkhas and two minesweepers were immediately despatched to Brunei.⁵¹

There was some anxiety, however, about the political and international implications of using British troops in suppression of the rebellion. Even before the troops had arrived in Brunei, the Acting High Commissioner had received a message from London stating that "the British forces should as far as possible avoid appearance of taking political action". They were specifically told that their role was "restoring order and protecting of Government".⁵² It was for this reason that, at the suggestion of Lord Selkirk, on 9 December Tunku Abdul Rahman sent a telegram to the Sultan "offering all kinds of assistance including military and police".⁵³ Interestingly, after chairing an emergency meeting of his Cabinet the previous day, the Tunku, dissatisfied at the inability of the British to take adequate precaution measures despite his timely warnings, was poised to withdraw all Malayan officers from Brunei. When he was told that would cripple Brunei Government, "the Tunku said the Brunei Government was already discredited and it was up to the British Government to send British

⁵⁰CO 1030/1068, item 16, Lord Selkirk to the Governor of Sarawak, 7 December 1962.

⁵¹CO 1030/1068, items 73 and 75, Commander In Chief Far East to Ministry of Defence, London, 8 December 1962; *ibid.*, items 26 and 30, Commissioner General to Colonial Office, 8 December 1962; *ibid.*, item 150, Singapore to Bangkok, 10 December 1962.

⁵²CO 1030/1068, item 42, Colonial Office to Acting High commissioner, 8 December 1962.

⁵³CO 1030/1068, item 93, Kuala Lumpur to Commonwealth Relations Office, 9 December 1962.

officers to take over key posts".⁵⁴ The Sultan preferred police assistance, using a number of special branch officers only; but with regard to military assistance the Sultan referred the Tunku to the British.⁵⁵ However, at a meeting in London the same day there were some doubts among Whitehall officials about the advisability of sending the Malayan troops to Brunei, because it might create anti-Malaya feeling locally and therefore work to the disadvantage of the formation of Malaysia Federation. It also might be used by the Philippines and the Indonesians to show that Malaysia was being forced upon the North Borneo territories without their consent. Lord Selkirk was advised to go to Brunei to form his own opinion and report back to London.⁵⁶

However before the Commissioner-General was able to go to Brunei he had received news of "a fair number of Gurkha casualties". He told London:

"I am struck by the surprise and co-ordination achieved by the insurgent attack. They are trained soldiers and not rabble and obviously have a unified command. ...I see no reason for confidence that this will be a short struggle".⁵⁷

Consequently a decision was taken to send larger reinforcements to Brunei: no less

⁵⁴CO 1030/1068, item 48, Kuala Lumpur to Commonwealth Relations Office, 8 December 1962.

⁵⁵CO 1030/1068, item 93, Kuala Lumpur to Commonwealth Relations Office, 9 December 1962.

⁵⁶CO 1030/1068, item 162, Minutes of a meeting on Brunei Disturbances at the Colonial Office, 9 December 1962. The meeting was chaired by the Secretary of State for Colonies and attended by Chief of Air Staff, representatives of the Shell Oil Company, and members of the Commonwealth Relations Office, Foreign Office, Colonial Office and Ministry of Defence.

⁵⁷CO 1030/1068, item 98, Commissioner-General to Colonial Office and Foreign Office, 9 December 1962.

than three battalions of soldiers which included Marine Commandos, a squadron of armoured cars and helicopters and light aircraft. By 15 December British troops sent to Brunei totalled about four thousand.⁵⁸ Earlier Whitehall officials agreed that it would be "desirable to show more strength than was strictly militarily necessary in dealing with the situation".⁵⁹

Under the weight of such a forceful and swift deployment of British troops the TNKU resistance collapsed rapidly. Against the firepower of the professional British soldiers, the "crudely trained" TNKU members were no match, armed with a few rifles captured from various Police Stations, shotguns, swords, knives, axes, and amulets which supposedly made them invulnerable.

However it was not only the might of the British military which resulted in the rapid collapse of the rebellion. The rebellion itself had been launched hastily and prematurely, which resulted in confusion, and had no clear objectives other than raiding police stations for weapons. In the Brunei Town, apart from the power station, most key installations which were important from a military point of view were left intact. There was no determined effort to block the airfield, which made it possible to bring in a contingent of the North Borneo Field Force pending the arrival of the British force. The telephone system was working in perfect order, so that the Sultan was able to communicate with his advisers and the Commissioner of Police during the height of the rebellion.⁶⁰

⁵⁸CO 1030/1073, item 462, Ministry of Defence's Report for 15 December 1962.

⁵⁹CO 1030/1068, item 162, Minutes of a meeting on Brunei Disturbances at the Colonial Office, 9 December 1962.

⁶⁰Interviews with Pengiran Ali and Pengiran Yusuf, April 1993; with Dato Marsal, May 1993.

But the mistake which cost the rebels dearly was leaving the radio station intact. Barely six hours after the rebellion had started, the Sultan was on the air condemning the rebels and appealing to the people to remain loyal to him and his Government. He denied that the rebellion had his support and denounced it as an attempt to stage a coup against his Government.⁶¹ Sir Dennis White, who returned to Brunei on the third day of the rebellion, had "little doubt that the rebels thought the Sultan was with them".⁶² He might be right. Just before the Sultan's radio broadcast, Hapidz Laksamana, the deputy leader of the PRB, accompanied by Pengiran Metussin, a senior member of the Party (both of them Members of Legislative and Executive Council) had gone to the Palace to hand over the Proclamation of Independence for the Sultan to sign, and also the letter from the Kiram Corporation. But the Sultan refused to see them. They were asked to see Dato Marsal; when they did, the *Menteri Besar* ordered their arrest.⁶³ Dato Marsal issued warrants for the arrest of Azahari and Zaini for instigating armed rebellion in Brunei.⁶⁴

The Sultan's broadcast had undermined the rank and file of the TNKU who had believed that they were fighting for the Sultan. In Brunei Town, even before reinforcements arrived, a handful of Brunei Police under a British Police Chief (N.Outram) had disarmed a large number of the rebels who had neither the will nor

⁶¹Sir Omar Ali Saifuddin, *Titah: 1959-67*, Brunei, Dewan Bahasa Dan Pustaka, 1971, pp.147-148.

⁶²CO 1030/1076, item 6, White to Secretary of State, 20 December 1962.

⁶³Interviews with Hapidz Laksamana, May 1993 and Yassin Affandi, December 1992 and June 1993.

⁶⁴CO 1030/1068, item 26, Acting High Commissioner to Commissioner General, 8 December 1962.

determination to fight. They were simply marched into a fenced tennis court not far from the Police Station and locked up. Only the hard core rebels put up a fight; but even they were hoping for the Sultan's support, which they believed would rule out any British military intervention and lead to negotiations.⁶⁵

But once the Sultan called for military assistance the British launched a swift and decisive force to put down the rebellion as quickly as possible, in order to avoid any international complications. Once Brunei Town was fully secured, a battalion of soldiers moved on to relieve the Panaga Police Station at Seria and the Oil Field. Although the rebels had threatened to blow up the Oil Field if the British used force against them, it remained intact. Other than one killed and a few wounded, when the rebels, in their desperation to break the defence of the Panaga Police Station, used some of the prisoners from the Oil Company as human shields, most of the European personnel were freed unharmed. Simultaneously the Kuala Belait Police Station was retaken. On 12 December the Marine Commandos stormed the stronghold of the TNKU at Limbang. The TNKU put up a brief but sharp resistance which ended in ten British casualties - five killed and five wounded - and fifteen rebels killed and several wounded. Limbang was the last significant resistance of the TNKU. On 14 December the Commandos moved to the last town to be relieved, Bangar Town in Temburong, without any incident. That signalled the Brunei Rebellion was virtually over.⁶⁶

⁶⁵Interviews with Yassin Affandi, December 1992 and June 1993; and Jais bin Haji Karim, April 1993.

⁶⁶Interviews with Yassin Affandi, December 1992 and June 1993; and Salleh bin Sambas, April 1993. Salleh bin Sambas was the TNKU Commander in Limbang district.

A large number of the rebels had surrendered when they realised it was futile to resist. However, some had retreated into the jungle including the top leaders of the TNKU. They intended to escape to Kalimantan in Indonesia, but they had no maps or compasses to guide them through the jungle. Moreover they knew that the British had sealed off the border to prevent their escape. Thus like many others they hid in the jungle hoping that Azahari would be able to raise some support to turn events in their favour.⁶⁷ Mopping up the rebels was the main preoccupation of the British troops until the middle of the following year, when all the rebels including Yassin Affandi, the "Overall Commander" of the TNKU, were captured. By the end of the year the total casualties of the TNKU were estimated at sixty-eight killed and 1,588 captured; and on the British side seven killed and twenty wounded.⁶⁸

8.3 Diplomatic Engagement

While combatting the rebellion on the military front, the British were also engaged in a swift and decisive diplomatic manoeuvre to counter Azahari's campaign for international support. The latter was planning to go to the United Nations on 11 December, sponsored by the Philippines Government. It seemed that the Philippines Department of Foreign Affairs had already asked the American Embassy in Manila for visas for Azahari and Zaini.⁶⁹ Anxious to avoid any complications to their Malaysia

⁶⁷Interviews with Yassin Affandi, December 1992 and June 1993, Mesir bin Keruddin, December 1992 and Jais bin Haji Karim, April 1993.

⁶⁸CO 1030/1075, item 613, Ministry of Defence's Report on 27 December 1962.

⁶⁹CO 1030/1068, item 108, Manila to Foreign Office, 9 December 1962.

Plan, the British used every means to block Azahari's trip to the United Nations.

As soon as the rebellion broke out the British instructed their Ambassador in Manila to warn the Philippine Government that they would deplore any statement appearing to associate the Philippine Government with Azahari.⁷⁰ On 9 December, Pelaez, the Vice President and Secretary of Foreign Affairs, told the British Ambassador that his Government's policy was "one of caution and waiting and seeing".⁷¹ Late on the same day Pelaez issued a press statement that the Philippine Government had no official dealings with the "Brunei leaders", who he said were "in the Philippines reportedly in transit to the United Nations".⁷² The British Ambassador told London that Pelaez's statement was issued after the American Ambassador met President Macapagal and Vice President Pelaez "to urge caution". He added that the Ambassador obtained an assurance that they had not entered into any commitment with Sukarno.⁷³ The British Ambassador also told London that Pelaez assured him that the Philippine Delegation at the United Nations would not help Azahari and his Party should they make their way to the United Nations.⁷⁴

Hence the Philippines Government had reversed its policy towards Azahari. Apparently the volte-face was the result not only of the pressures put on them, but also because the Filipinos were looking for concessions from the British. In retrospect President Macapagal seems to have been calling for talks on the Philippines' claim to

⁷⁰CO 1030/1068, item 52, Foreign Office to Manila, 8 December 1962.

⁷¹CO 1030/1068, item 101, Manila to Foreign Office, 9 December 1962.

⁷²CO 1030/1068, item 140, Manila to Foreign Office, 10 December 1962.

⁷³CO 1030/1069, item 204, Manila to Foreign Office, 10 December 1962.

⁷⁴CO 1030/1068, item 140, Manila to Foreign Office, 10 December 1962.

North Borneo, but the British had consistently ignored him.⁷⁵ However, on 11 December, after a talk with President Macapagal, the British Ambassador advised London that:

"despite the embarrassing timing I should have thought we ought, after obtaining strong American support, to try the face saving talks, ...[with the Filipinos]. But I think we should take steps first to obtain firmest assurance to ourselves and the Americans that if we do, all involvement, however unofficial, in the Azahari affair must cease and that any contact with Indonesia over Borneo should be brought to an end".⁷⁶

Two days later London agreed to the demand for talks on the understanding:

"that in announcing talks we should make clear there would be no negotiations over Philippine claim; we make no move until Brunei rebellion is virtually over; Tunku would be again consulted before offer was made. ...we now think it most important to win Filipinos away from involvement with Indonesia against Malaysia".⁷⁷

The offer for talks convinced the Philippines Government to shelve Azahari's request for recognition of Kalimantan Utara made on 16 December.⁷⁸

⁷⁵CO 1030/1068, item 138, Commonwealth Relations Office to Canberra, 9 December 1962.

⁷⁶CO 1030/1070, item 273, Manila to Foreign Office, 11 December 1962.

⁷⁷CO 1030/1072, item 374, Commonwealth Relations Office to Kuala Lumpur, 13 December 1962.

⁷⁸CO 1030/1073, item 440, Manila to Foreign Office, 17 December 1962 and CO 1030/1074, item 552, Manila to Foreign Office, 19 December 1962.

While disengaging the Filipinos the British were investigating Azahari's travel document and found out that he was holding a British passport, issued in Singapore in 1961. On 10 December 1962 the Foreign Office instructed its Ambassador in Manila to inform Azahari that his passport facilities had been withdrawn.⁷⁹ Apparently the British had also requested the Americans to turn down Azahari's and Zaini's applications for a visa. But the American State Department had warned the British that its agreement with the United Nations placed it under an obligation to admit either Azahari or Zaini (or both of them) if a request should be made by an appropriate organ of United Nations.⁸⁰

It was probably because of this possibility that the British launched a vigorous campaign against Azahari in the United Nations. On 10 December the British Ambassador in the United Nations was informed by London that Commonwealth Governments and the US Government were being asked to instruct their representatives to give appropriate support. The message added: "you will doubtless yourself do whatever lobbying you think fit".⁸¹ The line taken by the British had been that the rebellion was confined to Brunei; that it was not a case of the people of a colonial territory trying to overthrow an alien administration; that the Malaysia proposals did not cover Brunei and that no pressure had been put on the Sultan to

⁷⁹CO 1030/1068, item 158, Foreign Office to Manila, 10 December 1962.

⁸⁰CO 1030/1070, item 270, Washington to foreign Office, 11 December 1962. The Malayan Embassy in Manila had also requested that Azahari and Zaini should not be admitted to the United States.

⁸¹CO 1030/138, Foreign Office to New York, 10 December 1962.

join.⁸² When some representatives of the Commonwealth countries expressed concern about the use of British troops to quell the rebellion, and were not convinced that it was not a "nationalist uprising", the British Ambassador wrote to London:

"Dato Ong [the Malayan representative who supported the British "vigorously"] and I have done our best to correct such false impressions, but I hope that Commonwealth Governments, particularly those in Africa, are being kept fully informed of the true position and to keep their representatives at the United Nations off this subject".⁸³

He also said that Ghana's representative had warned him that unless the Brunei issue was settled soon he might get instructions from his Government to raise it because David Marshall of Barisan Sosialis was constantly writing to Nkrumah about Malaysia and asking him to bring it up at the United Nations.⁸⁴

Understandably, under such intense lobbying from the British, by the time the United Nations General Assembly adjourned on 21 December, Azahari had not received any reply from U Thant to the cables he sent appealing for an invitation to appear in the United Nations to present his case, and requesting recognition of his revolutionary government and the intervention of the United Nations in the Borneo crisis.⁸⁵

⁸²CO 1030/1073, items 419 and 435, New York to Foreign Office, 14 and 15 December 1962 respectively.

⁸³CO 1030/1073, item 419, New York to Foreign Office, 14 December 1962.

⁸⁴CO 1030/1073, item 420, New York to Foreign Office, 14 December 1962.

⁸⁵By 14 December Azahari had sent five cables to the United Nations. See: *Chronical*, 14 December 1962.

The British were helped in their crusade by the disassociation of the Sultan and the leaders of the political parties in North Borneo and Sarawak from Azahari's campaign. The Sultan's broadcast denying support for Azahari and the rebellion, and his consent to seeking the assistance of British troops to quell the rebellion, were relayed to the British Ambassador in the United Nations.⁸⁶ The political leaders in North Borneo and Sarawak agreed to make similar broadcasts disassociating their parties from the rebellion and declaring their support for their respective Governments.⁸⁷ The SUPP of Sarawak, which had sent a joint appeal with Azahari to the United Nations against the Malaysia Plan, also distanced itself from the rebellion. Nevertheless the Party reaffirmed its anti-Malaysia sentiment and stated that it would go to the United Nations independently. But the Governor of Sarawak informed London that:

"Steps [had been] taken to ensure that the delegation does not at present leave Sarawak. There is evidence that the CCO [Clandestine Communist Organisation] elements of the Party are secretly working against the Party's disassociation from Brunei revolt and I have decided that the leaders should be arrested and the CCO controlled press closed down".⁸⁸

Unlike the SUPP in Sarawak, Azahari (in Manila) had the advantage of having access to a free press where he was reported widely in the major newspapers. This

⁸⁶CO 1030/1068, item 128, Foreign Office to New York, 9 December 1962.

⁸⁷CO 1030/1069, items 228 and 234, Governor of Sarawak to Colonial Office, 11 December 1962; CO 1030/1068, item 89, Governor of Sarawak to Colonial Office, 9 December 1962; CO 1030/1070, item 261, Governor of Sarawak to New York, 11 December 1962.

⁸⁸CO 1030/1070, item 263, Governor of Sarawak to Colonial Office, 11 December 1962.

prompted the British Ambassador to Manila, to advise London on 11 December:

"Seen from Manila it would seem essential that some action should be seen to have been taken by the Sultan of Brunei to counter Azahari's and Zaini's statement and machinations, and especially their telegram to U Thant".⁸⁹

Thus on 14 December, in a rare occasion, the Sultan flanked by his advisers (including the High Commissioner) faced the world press, which had congregated in Brunei because of the rebellion. The Sultan "related in most matter-of-fact terms how the rebel army - Tentera Nasional Kalimantan Utara - had surrounded his palace and opened fire on it and then sent two high-powered emissaries to see him".⁹⁰ The Sultan's press statement was flashed all over the world. The press in Manila, however, continued to be sympathetic to Azahari and viewed the rebellion as an "uprising of oppressed people seeking self determination". On 18 December the British Ambassador informed London:

"My press statements pointing out the fallacy of this have been published but without comment. I should be grateful for material such as signed articles which would: a. discredit Azahari personally; b. show that defences of region are being menaced and that Azahari, even if not personally a Communist, is playing Communist game; ...I could get such articles published here."⁹¹

The Ambassador also asked for more information on Brunei, especially in respect of education and medical facilities. He added: "Dossiers on Azahari and Zaini would also be useful including especially details of Azahari's father, his Indonesian education

⁸⁹CO 1030/1072, item 371, Colonial Office to Brunei, 13 December 1962.

⁹⁰*Straits Times*, 15 December 1962.

⁹¹CO 1030/1073, item 465A, Manila To Foreign Office, 18 December 1962.

and army connections".⁹²

However the support of the media in Manila was not enough to make Azahari's "revolution" a success. On 11 December Azahari appealed to "Presidents Kennedy, Sukarno and Nasser and Prime Ministers Nehru, Ikeda and Ben Bella for immediate assistance towards a peaceful settlement of Borneo people (sic)".⁹³ It is not known if any of the world leaders other than President Sukarno of Indonesia responded to his appeal. On 20 December the Governor of North Borneo informed London that the President had "publicly called on the Indonesians to support [the] Brunei rebellion".⁹⁴ But it was thought rather strange that Indonesia was slow to react to the conflict. The British Ambassador in Jakarta observed that: "Until 10 December Indonesian public reactions to developments in Brunei had been cautious, doubtless awaiting a lead from the Indonesian Government".⁹⁵ On the same day, at a State banquet for the visiting Vice President Kardelj of Yugoslavia, President Sukarno made a single reference to Brunei, in which he said "that what was happening there had been something to do with the new emerging forces in the world". Following this comment, numerous political parties and mass organisations issued statements on 13 December expressing sympathy and support for the rebellion in "North Kalimantan".⁹⁶

Probably the Indonesians were caught by surprise by the outbreak of the rebellion in Brunei as much as the British. The British suspected the Indonesians were

⁹²*Ibid.*

⁹³CO 1030/1069, item 219, Jakarta to Foreign Office, 11 December 1962.

⁹⁴CO 1030/1074, item 531, North Borneo to Colonial Office, 20 December 1962.

⁹⁵CO 1030/1072, item 383, Jakarta to Foreign Office, 14 December 1962.

⁹⁶*Ibid.*

behind the rebellion because of the Malaysia Plan. The British Ambassador in Jakarta believed that despite their official statements that Malaysia was not their concern, President Sukarno and his associates were hostile to the idea. He thought that their reasons were: a feeling that logically the three North Borneo territories should amalgamate in some form with the rest of Kalimantan; concern that Chinese influence might eventually predominate in Malaysia, and thus in the three North Borneo territories; distrust of what they probably sincerely believed to be a neo-colonialist attempt to maintain British paramountcy in the area and encompass Indonesia's encirclement by it; and plain dislike of the Tunku and jealousy of Malaya's growing prosperity.⁹⁷

Tunku Abdul Rahman, who suspected Indonesian designs on the three Borneo territories, was convinced of Indonesian's direct involvement in the rebellion to frustrate the formation of Malaysia. He believed they were planning direct intervention either by regular forces or volunteers.⁹⁸ His obsession about the Indonesian intervention, for which he attacked them publicly, led to a sharp reaction from Indonesia. On 15 December Dr. Subandrio, the Indonesian Foreign Minister, warned that if the Tunku's offensive statements continued, some of which he considered "bordering on insults ...Indonesia would have no [other] choice than to meet the challenge".⁹⁹ He stated:

"Indonesia is always supporting people who are struggling for independence

⁹⁷CO 1030/1073, item 427, Jakarta to Foreign Office, 15 December 1962.

⁹⁸CO 1030/1071, item 309, Kuala Lumpur to Commonwealth Relations Office, 12 December 1962.

⁹⁹CO 1030/1073, item 437, Jakarta to Foreign Office, 16 December 1962; CO 1030/1074, item 497, Singapore to Foreign Office, 19 December 1962.

wherever and whoever they are. As often stated and re-stated Indonesia is not making any claim on the territory of British Borneo. ...if Malaya thinks she does not need to restrain herself in her anti-Indonesia views, we cannot be blamed if the relationship between Indonesia and Malaya becomes worse in the near future".¹⁰⁰

On the same day President Sukarno expressed Indonesia's sympathy with the struggle in Brunei, an attitude he said was dictated by the "ten principles of Bandung and the decisions of the Belgrade Conference of non-aligned States".¹⁰¹

Following this warning, Lord Selkirk and the British High Commissioner in Kuala Lumpur urged the Tunku to avoid provocative statements about Indonesia and suggested to him that "we should express gratitude that they had officially dissociated themselves from [the] Brunei revolt".¹⁰² Furthermore the British had failed to get any evidence of the Indonesian complicity from interrogation of the rebels and documents captured in Brunei.¹⁰³ Lord Selkirk had earlier suggested to London that "it [is] best to avoid cornering them [Indonesians] but rather concentrate on Azahari by presenting [the] revolt as [the] biggest smash and grab raid ever attempted, and as intended to gain control by force of the reserve funds of Brunei, rather than being nationalist or anti-Malaysia in character".¹⁰⁴

¹⁰⁰*Ibid.*

¹⁰¹CO 1030/1073, item 437, Jakarta to Foreign Office, 16 December 1962.

¹⁰²CO 1030/10433A, Kuala Lumpur to Commonwealth Relations Office, 15 December 1962.

¹⁰³CO 1030/1073, item 462, Ministry of Defence Report 15 December 1962.

¹⁰⁴CO 1030/1071, item 306, Singapore to Foreign Office, 12 December 1962.

When he did not receive any response from U Thant, Azahari realised that his campaign for a political solution to the Borneo crisis had been unsuccessful and therefore the only alternative left was to seek a military solution. On 13 December he decided to appeal for military assistance to "all freedom-loving peoples", including President Sukarno and President Nasser of Egypt. Azahari claimed that he had overwhelming support in this respect; he had received a cable from the Chairman of Partindo (Party of Indonesia) stating that volunteers from his party, from the Garwani (Women's Party) and from the Youth Council of Indonesia were ready to "help liberate Brunei".¹⁰⁵ On 16 December *Antara News Agency* published a message from the Indonesian Embassy in Manila which was signed by the Veteran's Affairs Minister, Brigadier-General Sambas Atmadinata, and which gave an assurance that Indonesian veterans numbering some 800,000 were prepared to help the people of Brunei to gain their independence. The report also said that Sambas had instructed veterans all over Indonesia to make themselves ready for immediate assignment in connection with the Brunei uprising.¹⁰⁶ On 17 December the Indonesian Aviation Workers Trade Union announced that it would boycott any British aircraft passing through Indonesia, and aircraft of other nations assisting the British if the latter did not cease their military actions against North Kalimantan. On the same day the Parliamentary Commission for Foreign Affairs of Indonesia passed a resolution declaring that

"the North Kalimantan revolution was a movement of the people there to free themselves from enslavement from colonialism and imperialism, an appropriate growth of the new emerging forces deserving the fullest support of all sections of Indonesian people".¹⁰⁷

¹⁰⁵CO 1030/1072, item 381, Manila to Foreign Office, 14 December 1962.

¹⁰⁶CO 1030/1073, item 437, Jakarta to Foreign Office, 16 December 1962.

¹⁰⁷CO 1030/1073, item 465, Jakarta to Foreign Office, 18 December 1962.

Following this expression of support the Indonesian Government on 18 December proposed an Afro-Asian move to press for United Nations intervention in Brunei and invited the Philippine Government to co-sponsor the move in the United Nations General Assembly which was in session. In the Philippines Azahari claimed to have overwhelming support from non governmental organisations including the President of the Philippine Association of Free Labour who promised to send a 1000 man volunteer force from the ranks of Philippine labour to fight with the TNKU in Brunei.¹⁰⁸ Azahari was also reported to have met a Sulu guerilla leader to seek support for the TNKU.¹⁰⁹

Following these developments the British Ambassador in Manila called on Pelaez, on 18 December, "to ask him once again to exercise restraint". According to the Ambassador the Philippines Government would like to "get rid" of Azahari and Zaini because they kept on stirring up trouble locally and encouraging politicians to make rash statements for their own internal party political purposes. For this reason he said, there was a temptation to the Philippines to see them off to the United Nations. The Philippines Government would prefer to see them there rather than in Indonesia. The Ambassador told Pelaez: "We would prefer them [Azahari and Zaini] to let off steam here rather than intrigue in Indonesia and that we emphatically did not want them at the United Nations".¹¹⁰ But Pelaez told the Ambassador that he was anxious for the Tunku to come to the Association of Southeast Asia (A.S.A) meeting to be held in Manila on 11 January and that he felt he must get rid of Azahari and

¹⁰⁸CO 1030/1073, item 469, Manila to Foreign Office, 18 December 1962.

¹⁰⁹CO 1030/1073, item 466, Manila to Foreign Office, 18 December 1962.

¹¹⁰CO 1030/1073, item 471, Manila to Foreign Office, 18 December 1962.

Zaini before then.¹¹¹ Earlier the Foreign Office told its Ambassador in Manila that:

"For your information, we and the Colonial Office would also prefer that Azahari remains in the Philippines. He could arouse a good deal of support from the Afro-Asians if he were to go to New York, while in Jakarta there would be every danger of his becoming the spearhead of serious Indonesian efforts".¹¹²

On 21 December a report appeared in the Manila press that Azahari was planning to return to Borneo. By then Azahari must have been told about the Philippine Government's decision not to help him in the United Nations and about the Government's plan to hold talks with the British Government on "security and stability of Southeast Asia" which included its claim on North Borneo. A Philippine delegation, led by Pelaez, departed for London on 28 December 1962.¹¹³ Let down by his host, the Philippine Government, and prevented by the British and Americans from going to the United Nations to present his case to the world, Azahari decided "personally to lead his men in their fight against the British".¹¹⁴ Meanwhile the British had issued a warrant for his arrest in Brunei. They, however, expected problems in that a trial and imprisonment of Azahari in Brunei "might be an embarrassment".¹¹⁵

¹¹¹*Ibid.*

¹¹²CO 1030/1073, item 432, Foreign Office to Manila, 14 December 1962.

¹¹³Arnold C.Brackman, *Southeast Asia's Second Front*, London, Pall Mall Press, 1966, p.176.

¹¹⁴CO 1030/1074, item 545, Manila to Foreign Office, 21 December 1962.

¹¹⁵CO 1030/1075, item 627, Secretary of State for the Colonies to Commissioner-General, 29 December 1962.

Lord Selkirk preferred Azahari to be tried in Malaya, Kuching or Jesselton.¹¹⁶ However the problem was solved when Azahari decided (reported on 29 December) to return to Jakarta via Cairo after attending the Afro-Asian Conference in Dar-es-Salam in January 1963.¹¹⁷

8.4 Return to Normalcy

The Sultan and his advisers were badly shaken by the rebellion. The Sultan had never expected the people in Brunei to take up arms against his authority. Although historically there were instances of intrigues over the throne, an uprising of the people against their rulers had never happened in the long history of the Sultanate. It was probably for this reason that when the police showed him an army uniform recovered from Temburong, allegedly belonged to the TNKU, on 23 November the Sultan "appeared quite unperturbed and very interested in the uniform".¹¹⁸ This led to some suggestions that the Sultan was behind the rebellion. But after the rebellion had broken out Lord Selkirk said:

"He [the Sultan] left me in no doubt of his contempt of Azahari and all he stands for, root and branch, and was delighted to hear that we had withdrawn his passport, and the United States would probably refuse him a visa to enter their territory".¹¹⁹

¹¹⁶CO 1030/1075, item 609, Commissioner-General to Colonial Office, 26 December 1962.

¹¹⁷CO 1030/1075, item 631, Singapore to Ministry of Defence, 29 December 1963.

¹¹⁸CO 1030/1068, item 14, Acting High Commissioner to High Commissioner (on leave in London), 3 December 1962.

¹¹⁹CO 1030/1069, item 261, Commissioner General to Manila, 11 December 1962.

As soon as the rebellion broke out the Sultan without any hesitation asked his Government to issue a warrant for the arrest of Azahari and Zaini for instigating the rebellion in Brunei.¹²⁰

In order to assist the Sultan and his advisers to put down the rebellion Sir Dennis White broke his holiday in London and rushed back to Brunei on 10 December. The High Commissioner immediately advised the Sultan to declare the PRB an illegal society. He also advised the Sultan to declare a state of emergency, to suspend the Constitution and to rule by decree until order had been reasserted.¹²¹ Thus by exercising his powers under section 83 of the Constitution, the Sultan, on 10 December, declared a state of emergency throughout the State of Brunei. This was followed by the proclamation of Emergency Orders on 12 December to give wide powers to the *Menteri Besar* and the Police to deal with the security situation in the State.¹²²

After a discussion between Lord Selkirk, the Commissioner-General, Sir Geoffery Tory, the British High Commissioner in Kuala Lumpur, Sir Dennis White, the High Commissioner for Brunei and the Sultan, it was agreed on 18 December that there was no need to suspend the Constitution. However it was necessary to suspend some sections of the Constitution as a result of the rebellion. On 19 December the

¹²⁰CO 1030/1068, item 26, the Acting High Commissioner to Commissioner-General, 8 December 1962.

¹²¹CO 1030/1069, item 230, High Commissioner to Commissioner-General, 11 December 1962.

¹²²*Brunei Government Gazette*, Vol. I, No. 17, 22 December 1962. The Constitution (Section 83) provided for a Proclamation of Emergency must not be in force for more than two years without issuing another proclamation at or before the end of the period.

Sultan dissolved the Legislative and Executive Councils and in their place an Emergency Executive Council was established. He also declared vacant all seats in the four District Councils which were dominated by the PRB. The Emergency Executive Council was presided over by the Sultan. It had fourteen members which included the High Commissioner and the principal officers of the Sultan.¹²³ The Emergency Executive Council was the replica of the old State Council which combined the legislative and executive functions.

The scale and extent of the rebellion was beyond doubt. The Military estimated that the number of rebels under arms during the height of the rebellion was "approximately 2,250".¹²⁴ The *Borneo Bulletin* quoting "reliable estimates" placed the strength of the rebels at "80 per cent of the country's able-bodied young Malays".¹²⁵ When taking into account the popular support of the PRB, which claimed 20,000 in a total population of 83,000 (which included 20,000 Chinese and several thousand alien oilfield workers) the estimates were reliable. In retrospect the PRB had not only won the General Election in August 1962 by capturing all except one of the fifty-five District Council seats but had also so overwhelmingly defeated the other candidates that many lost their deposits. This makes it safe to assume that not less than three quarters of the 17,000 voters backed the PRB. During its six year existence the PRB had grown from a mere political party to a national movement, with members and supporters reaching to the remotest village in the State. Its influence penetrated so

¹²³CO 1030/1074, item 491, Commissioner-General to Foreign Office, 19 December 1962; *Brunei Annual Report*, 1961-1962, p.92; *Brunei Annual Report*, 1963, p.13 and p.230.

¹²⁴CO 1030/1075, item 613, Ministry of Defence's Report, 27 December 1962.

¹²⁵*The Borneo Bulletin*, 22 December 1962.

deep into the society that in some rural villages the PRB branch leaders often functioned as the link between the villagers and towns, and in some cases as arbitrators in domestic disputes.¹²⁶ In such circumstances the crisis in Brunei could not be solved simply by suppression of the rebellion (with foreign troops) and then expecting a rapid conversion of thousands of the PRB's members and supporters to the administration. Both the Commissioner-General and the High Commissioner realised this problem.¹²⁷

Lord Selkirk and Sir Geoffrey Tory arrived in Brunei on 18 December to discuss with the Sultan and his advisers how to respond to the upheaval caused by the rebellion. Lord Selkirk emphasised the need for the Sultan and the Government to come to terms with the people. He believed that "with money available, some popular development projects could be undertaken with valuable public relations effect". In order to carry out such projects it was agreed to set up an Emergency Executive Committee, chaired by the *Menteri Besar* and comprising "six persons of authority and drive who would command respect throughout Brunei", which would include the High Commissioner or his representative. One of the first tasks of the Committee was to formulate and implement a plan of rural and welfare development.¹²⁸

¹²⁶Interviews with Yassin Affandi and Osman bin Latif, December 1992 and June 1993; with various other people in Brunei, who want to remain anonymous, January - May 1993.

¹²⁷CO 1030/1075, item 565, Singapore to Colonial Office, 18 December 1962.

¹²⁸CO 1030/1074, item 491, Commissioner-General to Foreign Office, 19 December 1962.

Both Lord Selkirk and Sir Dennis White persuaded the Sultan to adopt a policy of reconciliation and the maximum degree of clemency.¹²⁹ One of the reasons for such a policy was that a large number of government servants were implicated in the rebellion. The *Borneo Bulletin* described the state of affairs two weeks after the rebellion: "The result is that, today, most of Brunei's young Malays are in the prisons, the Public Works Department was practically bereft of daily-paid workers and other government departments will have to recruit many young men in order to keep going".¹³⁰ Sir Dennis White had earlier recommended "rigorous" punishment of the ringleaders, when they were caught and "uninhibited" clemency towards the rest.¹³¹ This meant that except for the ring leaders, the rebels after reasserting loyalty to the Sultan and a short process of rehabilitation, might return to public life. The main aim was to encourage the rebels who had gone underground to surrender and thus prevent regrouping of the rebels under Azahari who was still campaigning for international support. For the same reason it was agreed to provide immediate relief for the dependents for those rebels who were killed or detained. In order to win back the confidence of the people the Sultan was advised to lead a service of thanksgiving in all mosques throughout Brunei intended as a "ceremonial act of purification and rededication".¹³²

¹²⁹*Ibid.*

¹³⁰*The Borneo Bulletin*, 22 December 1962.

¹³¹CO 1030/1075, item 565, Commissioner-General to Foreign Office, 18 December 1962.

¹³²CO 1030/1074, item 491, Commissioner-General to Foreign Office, 19 December 1962.

Another objective of Lord Selkirk and Sir Geoffrey Tory's mission to Brunei was to discuss the question of Brunei's entry into the Malaysia Federation. But if they had thought that the Sultan had been subdued by the rebellion, and that it would force him to make up his mind to join the Federation, they were to be disappointed. The Sultan told them that there were many factors to be weighed before he could decide whether it would be of benefit to Brunei, and if it was he would join Malaysia regardless of whether his people wanted it or not. After the meeting Lord Selkirk said the Sultan "clearly hankered after independence with a defence arrangement with the United Kingdom"¹³³ or as Sir Dennis White put it: "independence with a British garrison".¹³⁴

As Lord Selkirk and Sir Geoffrey Tory left Brunei the Sultan received a letter from Tunku Abdul Rahman. The Tunku told the Sultan that he was "concerned over interference by Indonesia by way of pressing the United Nations to invite Azahari to submit the case for Brunei's independence". He urged the Sultan to clarify his attitude and stand on the issue. He advised the Sultan that:

"This was the most opportune time for Your Highness to make an announcement that a majority of [your] subjects have realised and regretted their great mistake. If Your Highness advised them they will treat your command as an antidote which will serve as a guide and will make them feel more loyal".¹³⁵

¹³³*Ibid.*

¹³⁴CO 1030/1076, item 6, High Commissioner to Secretary of State, 20 December 1962.

¹³⁵CO 1030/1074, item 553, Commissioner-General to Foreign Office, 21 December 1962.

In fact the Tunku submitted a draft Press statement for the Sultan's consideration, and for the Sultan to release to the press and to print as his command to be distributed to the people in Brunei. It contained two alternatives: a. Brunei to become independent outside Malaysia; b. Brunei to become independent within Malaysia.¹³⁶ Other than to distract attention from Azahari's plan to go to the United Nations, and to break Azahari's support in Brunei, the Tunku had never intended seriously to suggest that Brunei become independent outside Malaysia. He knew that it was not practical for Brunei, which he had remarked was smaller than Perlis, to become independent outside Malaysia. Besides, the British would not favour it, in view of the security of their economic interests in the State. However the Tunku had misread the Sultan's mind. Three days before the rebellion erupted a Colonial Official wrote to London:

"The Tunku told me in Kuala Lumpur that, as a Malay, he understood how the Sultan's mind worked, and that provided that we assured His Highness of continued British protection he would come along in six months to ask for admission to Malaysia".¹³⁷

On one hand the Tunku was probably right. Barely three weeks after the rebellion the Sultan sent Pengiran Ali, the Deputy *Menteri Besar*, and Haji Jamil bin Umar, to Kuala Lumpur to hold preliminary discussions with the Malayan leaders with regard to Brunei's terms of entry into the proposed Malaysia Federation. On the other hand as the negotiations held in February-March and June 1963 revealed, the Sultan did not simply "ask for admission" without safeguards. When the Tunku could not fulfil

¹³⁶CO 1030/1074, item 552, Commissioner-General to Colonial Office, 21 December 1962; See also item 551, Kuala Lumpur to Commissioner-General, 21 December 1962.

¹³⁷CO 1030/1071, item 294, Sir John Martin to W.I.J.Wallace, 5 December 1962.

Brunei's demands the Sultan decided not to join the Malaysia Federation when the agreement was signed in July in London. As a result, Brunei remained a British Protected State until it resumed its full independence in January 1984. It is widely believed that the fundamental disagreement which contributed to the break down of negotiations between the Brunei and Malayan Governments was on the rights to the oil revenue, to which the Brunei Government wanted to maintain the exclusive rights in perpetuity, whereas the Malayan Government only agreed to Brunei's control of revenue for a period of ten years; after which the Federal Government would exercise the right to levy and collect taxes on the oil. However it would be very interesting to see what official documents on the negotiations, which have yet to be released, reveal.¹³⁸

Brunei's decision not to join Malaysia and the fact that Azahari remained at large and the threats to the State's security remained necessitated the retention of the state of emergency. Consequently the internal political development in the State was affected. In May 1963 the Sultan made several amendments to the Constitution. The two *Wazir, Pengiran Bendahara, and Pengiran Pemanca* ceased to become members of the Executive and Legislative Councils. The membership of the Executive Council was reduced from sixteen to twelve. But the membership of the Legislative Council was increased from 33 to 35, with six ex-officio members, ten Officials and 19 Unofficial, and the elective element was suspended. The Legislative and Executive Councils were reconstituted in July 1963.

¹³⁸For discussions on the Malaysia negotiations between Brunei and Malaya see D.S.Ranjit Singh, *Brunei 1839-1983: The Problems of Political Survival*, Singapore, Oxford University Press, 1984, pp. 181-197.

Following his talks with the British Government in London in November 1964 the Sultan made further amendments to the Constitution. The Legislative Council became a 21-member Council with six ex-officio, five Nominated, and ten Elected members. The elected members were directly elected by secret ballot to the Legislative Council. Elections to the District and Legislative Councils were held on 18 and 20 March 1965, respectively. In contrast to the 1962 Elections the Independent candidates captured almost all the seats in both Councils. For instance, out of ten elected seats in the Legislative Council, nine were won by Independents. Interestingly all the nine Independents were former members of the banned PRB. All the candidates of four political parties, Brunei United Party, Brunei National Organisation (the two old parties), Brunei Peoples Freedom Struggle, and Brunei Peoples Alliance (two new parties) were defeated.¹³⁹

After the elections the Sultan announced the introduction of a ministerial system comprising four Assistant Ministers, two of whom were elected and two others were nominated members of the Legislative Council. They comprised the four Nominated members of the Executive Council, which changed its name to Council of Ministers. All the four Assistant Ministers were responsible directly to the State Secretary and the *Menteri Besar*.¹⁴⁰ This was a significant step towards a full democratic ministerial system of government. However, without any clear reasons, this experiment of a ministerial system together with the elections was discontinued when the five-year Legislative Council's life expired in 1970. The District Councils were abolished and the semi-elected Legislative Council was replaced by a wholly

¹³⁹*The Borneo Bulletin*, 27 March 1965.

¹⁴⁰*Pelita Brunei*, 19 May 1965.

nominated Council.¹⁴¹ But in the following year Brunei made further constitutional changes when it took over all internal responsibilities and left the High Commissioner exclusively responsible for external affairs and defence. When Brunei resumed its full independence on 1 January 1984 the Legislative Council was abolished and the Executive Council was replaced by a Cabinet whose members were appointed by the Sultan, who assumed the Prime Ministership.

¹⁴¹*The Borneo Bulletin*, 11 April 1970.

CONCLUSION

This thesis has examined the political and constitutional developments in Brunei between 1944 and 1962. It has focused in particular on the introduction of a new constitution, the emergence of the Partai Rakyat Brunei (PRB), and the plans for "closer association" between the three Borneo territories on one hand, and the Malaysia Federation, on the other, and also the outbreak of a rebellion at the end of 1962. These inter-related developments had a strong impact on the shape of the emerging state.

A blue print drawn up by the British Government in 1944 envisaged a gradual movement towards a democratic form of government replacing the autocratic system of government after British authority was reestablished in the Japanese-occupied territories. However by 1962, although it had achieved self-government, Brunei had not developed a democratic form of government as envisaged by the wartime British planners. The 1959 Constitution provided only a semi-elected Legislative Council, and the first elections held in August 1962 were annulled following the outbreak of a rebellion in December.

Brunei's failure to develop a representative government could be attributed to several factors. After facing strong opposition to their Malayan Union Plan in Malaya and to the decision of Sir Vyner Brooke to cede Sarawak to the British Crown at the end of war the British decided to adopt a cautious policy in implementing its plan to promote political progress in the Borneo territories. In fact this led to the abandonment of their plan to acquire full jurisdiction from the Sultan of Brunei. As a result the British were unable to institute political reforms to promote political

progress in the Sultanate. The restoration of the pre-war Residential System delayed political and social developments in Brunei. The system of administration established in 1906 was out of date and incapable of carrying out programmes essential for political and social progress.

The decision to associate Brunei administratively with Sarawak in 1948 further inhibited the political and social developments in Brunei. By placing the State under the jurisdictions of a High Commissioner who was also the Governor of Sarawak was too much of a burden particularly when both territories needed great physical reconstruction after three and half years of neglect under the Japanese occupation. In fact Sir Arden-Clarke, the first High Commissioner under the new arrangement was questioned by the Colonial Office seven months after he assumed his office about what plans he had for social and political progress for Brunei (see page 68). It was four years later (1953) that a proposal for constitutional changes was announced, and it took another six years (1959) before the Constitution was promulgated.

When a decision had been made to introduce a constitution there were differences between the Sultan and the British on the form of the constitution. Efforts on reaching agreements of these differences slowed down the promulgation of the constitution. The Sultan wanted an elaborate constitution which involved transfer of internal power and reorganisation of administration. On the introduction of the constitution the Sultan wanted to abolish the post of the British Resident which had limited his power in the internal affairs of his State. In the place of the British Resident he wanted to appoint a Menteri Besar, a model adopted from the system existing in the Malay States, who was to be responsible directly to him for running the Government. A new treaty was to be signed between Brunei and Britain whereby

the powers of the High Commissioner were confined to external affairs and defence. Although he wanted a British Advisor to be created, unlike the British Resident, the Sultan did not want the acceptance of the advice be obligatory on him. The Sultan wanted to involve more people in his government who were nominated by him. In short the Sultan wanted an internal self-government run by him under the protection of Britain.

The British however, felt that Brunei was not ready socially and politically for the form of constitution envisaged by the Sultan. They wanted to introduce less elaborate but progressive constitutional reforms which would eventually achieve a full representative government. To achieve that the British wanted to reform the outdated State Council by separating its executive and legislative powers between two different bodies. The main aim of the reform was to make the administration more efficient and effective so that social and political progress could be developed. As far as relations between Brunei and Britain were concerned the British wanted no change although their officials on the spot suggested the separation of the office of High Commissioner from the Sarawak Governor. The post of the British Resident was to remain until the administrative system was established. Meanwhile the British wanted to establish local government bodies in order to give training and experience to the local people in administration and government. The local government bodies were to be introduced well ahead of the introduction of the constitution because it was intended that the unofficial members of the Legislative Council would be elected from the various local government bodies. Unfortunately when the scheme was about to be introduced in 1956 it was overwhelmingly opposed by the people and it had to be abandoned. Attempts to replace the local government bodies scheme with a scheme

which involved a reorganisation of the existing District Advisory Councils was not successful when the State Council rejected a plan to hold free elections at the end of 1957 to elect members of the new District Councils. Therefore when the constitution was introduced in 1959 the preparations for the new changes were not ready and this eventually led to the deterioration in the administration and affected the political and social developments.

But fundamentally the emergence of the Partai Rakyat Brunei (PRB) in early 1956 had the biggest impact on whole process of the constitutional development in Brunei. The PRB's popularity and demands for radical constitutional and political changes alarmed the traditional elites. The latter saw the emergence of the Party, whose leadership and membership comprised mainly elements from the lower section of the society, as a threat to their influence and monopoly of power. In fact the uncompromising attitude of the Sultan and his advisers during the constitutional negotiations was caused by fear of losing their influence and power to the new emerging force. Their demand for a provision for a *Menteri Besar* in the constitution and the delay in the elections by two years were a response to the PRB's demand for the institution of representative government based on free elections. The elites' fear of losing their influence and power also resulted in the marginalisation of the PRB from all negotiations concerning the constitutional changes and Brunei's entry into Malaysia Federation.

The British recognised the danger of alienating the PRB, which had the support of a large section of society. Their attempts to bring the two groups together failed. However the British themselves distrusted the PRB for its left-wing inclination and pro-Indonesia attitude. They feared their economic and political interests in the State

would be at risk if the PRB gained power. This was the main reason for the British policy of non-cooperation with the PRB. Instead the British bolstered the "Palace's group" even though they had to give in to almost each demand of the group which eventually led to the introduction of a constitution which had no safeguards for assuring of the establishment of full representative government. In fact the British had the influence if not power to guide the constitution to a more democratic form. But the events that followed the introduction of the constitution effectively ruled out the British desire to be closely involved in the internal affairs of the State. The British policy during the period was best described by the High Commissioner's letter to the Colonial Office in August 1961 which stated that "every action and word has to be governed by need to retain the Sultan's goodwill and win back confidence in the British connection".¹ In fact this explains the British acquiescence to the Sultan's desire of replacing almost all expatriates in his administration with officers from the Federation of Malaya as soon as the new constitution was promulgated. In effect a strong and effective administration was needed to handle the new changes brought about by the new Constitution, and the sudden replacement of experienced officers led to the deterioration in the performance of the new administration. The result was a widespread of disaffection among the people and effectively it helped the reemergence of the PRB after suffering a period of decline following a disastrous Merdeka Mission in 1957.

The two important external factors which influenced the political and constitutional development in Brunei during the period were the British plan to bring the three Borneo territories of Brunei, North Borneo, and Sarawak into a closer

¹CO 1030/1448, item 14, White to Melville, 29 August 1961.

political association; and the Tunku Abdul Rahman's plan to bring the Borneo territories and Singapore into the Federation of Malaya. In their endeavour to bring political and economic stability and security as well as to safeguard their political and economic interests in the three Borneo territories the British proposed plans to bring the three territories politically closer. In doing so the British took into account the political and constitutional changes they would like to introduce in the three territories so the plan could be compatible in the three territories. However the Borneo "closer association" failed because of the Sultan of Brunei's refusal to join on the grounds that his tiny rich Sultanate would be swamped by the two bigger neighbours, and moreover it would delay Brunei's progress towards independence. Thus he aligned his State with Malaya which had achieved its independence. Recognising the political complications brought about by a Brunei-Malaya closer association to the Borneo territories the British decided to consider the Tunku Abdul Rahman's Malaysia Plan as an alternative. The plan not only solved Brunei's problem but also ease the demographic factor that had been an obstacle to a Malaya-Singapore association. However, the Malaysia Plan was rejected by majority of the people in Brunei. But in spite of this the Sultan was determined to negotiate Brunei's entry into the Federation. The PRB, which was strongly against the Malaysia Plan because it was contrary to its own plan for an independent Kalimantan Utara comprising the three Borneo territories, became stronger. When elections were held in August 1962 the PRB swept to victory controlling all the four District Councils and all elected seats both in the Legislative and Executive Councils. Although the Constitution did not give the PRB power to form a government the results of the elections put the Party in a stronger position to influence the proceedings in the Legislative Council. The

Party in fact submitted several anti-Malaysia motions to the Council in November 1962 but they were rejected before being debated. The rejection of the motions and the discovery of the underground movement, Tentera Nasional Kalimantan Utara (TNKU), an underground movement established by the Party as a preparation to oppose the implementation of the Malaysia Plan towards the end of November, sparked off the rebellion on 8 December 1962. The rebellion not only destroyed the PRB but also the 1959 Constitution.

Seen as a whole, the period between 1944 and 1962 marked the turning point in the constitutional and political development of Brunei. The struggle for political power and influence between the principal parties and the subsequent rebellion determined the form of government that Brunei adopted. The Sultan through a combination of political astuteness and diplomacy was able to entrench the position of the monarchy more firmly in the political system. By the end of the period Brunei determined to continue with its traditional form of government, a Malay-Muslim Sultanate.

APPENDIX I

Biographical Notes of Selected Personalities.

Sultan Ahmad Tajuddin

b 1913; succeeded his father 1924 (Regency 1924 - 1931). First Sultan of Brunei to visit the United Kingdom, 1932 - 1933. Married Tengku Rohani, the daughter of the Sultan of Selangor 1934; installed as *Yang di Pertuan* in 1940; celebrated Jubilee 1949; died in Singapore on a journey to the United Kingdom in June 1950.

Sultan Omar Ali Saifuddin III;

b 23 September 1916 d 8 June 1986; educated at Malay College, Kuala Kangsar in Malaya, 1932 - 1936. Among the first three members of the Brunei Royal House to obtain formal education. A cadet in the Forest Department 1937; Administrative officer in the Magistrates' Department 1937 - 1941. Appointed *Pengiran Bendahara* in 1947; succeeded his brother 8 June 1950; awarded a CMG on his coronation 31 May 1951 and a KCMB on the coronation of Queen Elizabeth II; abdicated in favour of his eldest son on 4 October 1967 and assumed the title *Seri Begawan Sultan* ("retired Sultan"); became the Minister of Defence between 1984 to 1986. Author of several penning poems, inter alia, *Syair Perlembagaan Negeri Brunei* (1960); *Syair Rampai Laila Syair* (1966); *Syair Asli Rajang Hari* (1967); and *Syair Kemerdekaan* (1985).

Abdullah bin Jaafar, Haji

b 1929; educated at Malay school, Brunei Town. clerk in the Post Office in 1946; a founder member of Barisan Pemuda. Dismissed from his job for organising a protest with regard to BRUFICO in 1953. A leading member of the PRB and one of the leaders responsible to organise the underground movement TNKU. Captured in May 1963 and detained for 23 years.

Abdul Wahab bin Toh Muda Abdul Aziz, Dato Panglima Bukit Gantang

b 1905 d 1959; graduated in law from London in 1930; inherited the title Dato Bukit Gantang from his grandfather, one of the eight Orang-orang Besar, Perak in 1936. Member of Perak State Council 1937 - 1941; leader of Persatuan Melayu (Malay Association) Perak 1939 -1940; Secretary General of UMNO 1946 - 1957; leader of Rulers' delegation in *Merdeka* Mission to London, 1956; resumed legal practice 1957; briefed by the Sultan of Brunei as a legal adviser during the London Constitutional Conference in 1959.

Abell, Sir Anthony Foster

b 1906 - d 1994. Colonial Service in Nigeria, 1929 - 1949. Governor of Sarawak and High Commissioner for Brunei, 1950 - 1959.

Ah Foot, George Newn

d 1987. A prominent Chinese Community leader; a member of the State Council September 1947 - September 1959; a Nominated member of Legislative Council until August 1962.

Ahmad bin Daud, Pehin Orang Kaya Syahbandar

b in Labuan 1907; educated in English school, Labuan; appointed clerk in Customs Department 1925, District Officer of Temburong 1946 - 1947, Belait 1948 - 1956, and Brunei/Muara 1957 - 1960. A member of the Constitutional Advisory Committee 1953; member the Sultan's Constitutional Delegation to London 1959; "Observer" April 1956 and an Unofficial member March 1957 - September 1959 of the State Council; Unofficial member Legislative and Executive Council 1959 - August 1962. Appointed Resettlement Officer 1961 - 1965. Appointed Traditional Minister, Pehin Orang Kaya Syahbandar, 1951. MBE 1954.

Azahari bin Sheikh Mahmud, Sheikh

b in Brunei Town 1928; educated at Roman Catholic English school, Brunei Town, at English school, Labuan; sent to Bogor Indonesia by Japanese to study a veterinary Surgeon; involved in Indonesian war against the Dutch; returned to Brunei October 1952; jailed for six months over the BRUFICO affairs in 1953; founded PRB January 1956; led a *Merdeka* delegation to London September 1957. A Nominated member of Legislative Council January to April 1962; Vice Chairman of Brunei-Malaysia Commission January - February 1962. Did not participate in the elections held in August 1962 because he refused to apply for citizenship under the Brunei Nationality Law of 1961; ordered the launching of a rebellion on 8 December 1962 from Manila; formed Revolutionary Government based in Jakarta to fight for the independence of Brunei but failed to gain support from International Community; led a PRB delegation to United Nations in 1974 demanding that the British give independence to Brunei. Lives in exile at Bogor since the his Party's abortive rebellion in December 1962.

Abdul Manan bin Mohammad, Pehin Pekerma Sura Haji

b September 1914; educated at Malay school, Tutong, 1925 - 1930; trained at SITC, 1936 - 1939; taught at various schools in Tutong District until 1946 when he became a clerk in the Education Department; resigned in 1956. Chairman of PRB Tutong Branch 1956 - 1959. Appointed as an Unofficial member of Legislative Council in November 1959 - August 1960. Formed BNO in November 1960; defeated in August elections on pro-Malaysia manifesto; again defeated in 1965 elections.

Gilbert, John Orman, C.M.G.

b 1908; joined the Sarawak Civil Service as a Cadet in March 1928 and spent most of his thirty-year career in that State holding such posts as Acting Assistant District Officer, Rejang, District Officer, Kuching, and Acting Chairman of Kuching Municipal Board. He also saw service with H.M.Forces during the war. In 1948 he was appointed as a member of the Colonial Administrative Service and thereafter, among many positions, acted as Deputy Chief Secretary before being appointed as the Resident, Fourth Division. He was seconded to Brunei as the British Resident in June 1953 and left Brunei in July 1958.

Hapidz bin Pehin Laksama Abdul Razak, Dato Paduka Haji

b August 1930; educated at Malay school, Brunei Town. Came from a wealthy family. A member of Barisan Pemuda. Founded Persatuan Murid-Murid Tua or MUTU (Old Student's Association), 1947 with socio-cultural objectives. Elected as Treasurer of the PRB, 1956 - 1958; Deputy President, 1958 - 1962. Elected as a Legislative Councillor in August 1962 elections and nominated to the Executive

Council in September 1962. Did not take part in the rebellion but was detained until late May 1963. Won a Legislative seat in 1965 elections as an Independent candidate. Became the President of Barisan Kemerdekaan Rakyat (BAKER) - People's Independent Front - in 1966. A successful businessman. Managing Proprietor of the Malay Trading Company and Razak Holdings. Awarded "Dato Paduka" in 1984.

Hasbollah bin Haji Daud, Haji

His father was a rubber planter from Johore who was brought to Brunei by an European Rubber Estate Manager in c.1912. Educated in Victoria School, Singapore. Worked as a clerk in the British Resident's Office 1913 - 1923; subsequently spent most of his time in Malaya; formed BUP in November 1961 with objective of promoting the Malaysia Plan among the people in Brunei; defeated in 1962 and 1965 elections. A prominent businessman.

Hashim bin Tahir, Dato Paduka

b 1928; educated at Malay school, Brunei Town; trained at SITC; a founder member of Barisan Pemuda; Chairman of the Brunei-Malaysia Commission in early 1962; Unofficial member of Legislative Council 1959 - 1962.

Hidup bin Awang Besar (known as H.B.Hidup)

educated at Malay school, Brunei Town; trained in SITC; Secretary-General of Barisan Pemuda; Deputy Secretary-General of PRB; described by Azahari as "one of the radical leaders" of his party; killed by security forces in May 1963

Ibrahim bin Jahfar, Pehin Dato Perdana Menteri Dato Laila Utama b in Labuan, 1902 d 1971; educated at English school, Labuan; started as an office messenger in the British Resident's office in 1917; District Officer for Brunei/Muara, 1932 - 1935; Secretary to British Resident, 1935 - 1941; Administrative officer under the Japanese Administration, 1941 - 1945; a member of State Council, September 1947 - 1959; Private Secretary to Sultan Omar Ali Saifuddin, 1951 - 1959; a member of the Sultan's constitutional delegation to London in 1959; appointed as the first *Menteri Besar* in 1959 and stepped down in August 1962 on medical reasons; appointed as Speaker of Legislative Council, 1965 - 1969. Appointed as a Traditional Minister - Pehin Dato Perdana Menteri in 1951; awarded Dato Laila Utama in 1959; OBE January 1948

Jais bin Haji Karim, Haji

b 1925; educated in Malay school, Kilanas. Joined Brunei Police force before the war and continued during the Japanese occupation. Reinstated in 1947. Sent to prison for two years in 1953 for organising an underground movement to topple the British Administration in Brunei. A member of the PRB's Executive Council in 1956 - 1962. A member of a group in the PRB responsible for organising the PRB military wing, TNKU, in August 1961. The TNKU Commander who led the attack on the Police station in Brunei Town on 8 December 1962. Captured in May 1963 and kept under detention for 23 years.

Jamil bin Begawan Pehin Udana Khatib Haji Umar, Pehin Jawatan Dalam Dato Seri Utama Haji

b 10 December 1921; educated at Malay school, Brunei Town, 1928 -1935; trained at SITC, 1939 - 1941; Japanese Military Training Camp, Kuching, 1944 - 1945; Agriculture College, Serdang (Malaya), 1950 - 1951; Teacher's Training College of City of Worcester, UK, 1956 - 1957; conferred Honorary Litt.D by the American Institute of Science Indiana, USA, 1968. He was a leading member of Barisan Pemuda, 1946 - 1947; an Unofficial member of Legislative Council and Executive Council, 1959 - August 1962; an Official member of Legislative Council, 1965 - 1983; a member of Privy Council, 1959 until present day; a member of Brunei's delegation to various meetings on the formation of Malaysia Federation. He was an Education officer holding various appointments from 1951 to 1961 when he was appointed as Director of Language Board. He held the post when the Language Board became the Language and Literature Bureau (Dewan Bahasa dan Pustaka), 1965 - 1975; Chairman of Brunei Education Council, 1976 - 1983; Director of History Centre, 1984 - present. Author of several indigenous history books. Appointed as a Traditional Minister with the title Pehin Amar Di Raja, 1968; Pehin Jawatan Dalam, 1991.

MacBryan, Gerard

b 9 July 1902; joined Sarawak Civil Service as a cadet in 1920; held various Government appointments until he became the political adviser to Sir Vyner Brooke, the Third White Rajah of Sarawak, in 1930s; had ambition to succeed the heirless Rajah: not as a Christian king but a Muslim ruler. Thus he embraced Islam and went for pilgrimage to Mecca in 1936. But his ambition was unfulfilled when Vyner Brooke

ceded Sarawak to the British Crown in 1946. This probably explains his involvement in the Brunei succession in 1950 by claiming to be the guardian to Princess Ehsan, the royal daughter of Sultan Ahmad Tajuddin, with a responsibility to enthrone her as the female ruler of Brunei. But his claim was rejected by the Brunei Nobles.

MacDonald, Malcolm

b 1901 - 1981. Labour MP, 1925 - 1945; Secretary of State for the Colonies, 1935 and 1938 - 1940; Minister of Health, 1940 - 1941; High Commissioner in Canada, 1941 - 1946; Governor-General of Malaya, Singapore and British Borneo, 1946 - 1948; Acting High Commissioner for Brunei, 1946 - 1948; Commissioner General for the United Kingdom in Southeast Asia, 1948 - 1955; British High Commissioner in India, 1955 - 1960.

Marsal bin Maun, Dato Seri Paduka Awang Haji

b in Kampong Pintu Malim in Brunei Town in 1913; educated at Malay school, Brunei Town, 1923 - 1929; trained at SITC, 1930 - 1932. One of the first two Brunei students to graduate there. Teacher at Sekolah Melayu Jalan Pemanca until January 1935 when he was appointed as the Superintendent of Malay Education. Recruited into the Japanese Propaganda Department; suspended by the BMA and British Residency until September 1946; worked as an Education adviser to the Assistant British Resident at Kuala Belait; sent back to SITC, 1949 - 1950; reinstated as the Superintendent of Malay Education, the post he held until appointed as the Deputy State Secretary in May 1960. A member of Brunei/Muara District Advisory Council in 1954 - 1957; "Observer" of the State Council 1954 - 1957; Unofficial member of

the State Council 1957 - 1959; an Unofficial member of Legislative Council and Executive Council until August 1961. Appointed as Acting *Menteri Besar* in August 1961 and *Menteri Besar* August 1962; retired in November 1968. A member of the Sultan's constitutional delegation to London in 1959. Referred to as one of the three "Musketeers" by a Colonial Office official; awarded "Dato Setia" in September 1960 and "Tokoh Guru Berbakti" in 1991.

McAfee, Patrick G. (later Matnor McAfee)

b. in Labuan 1923 - d 1973; son of George McAfee, Chief Police Officer, Labuan 1917 - 1920, Brunei 1921 - 1928; educated at English school, Labuan; appointed as administrative officer to various government departments; sent to UK to study a course on local government 1955 and given the task to prepare implementation of the Local Government Plan in 1956. But the plan was rejected by the people. Acting State Secretary May 1972 - February 1973.

Mohammad bin Haji Manggol, Haji

b 29 November 1931. Son of a Penghulu of Kampong Kilanas. Educated at Malay school, Kilanas, 1936 - 1938, at English school, Labuan, 1939 - 1941, at Japanese school, Brunei Town, at Malay school, Sengkurong, 1946; trained at SITC, 1948 - 1950. Imprisoned for three months for his role in the BRUFICO protest in March 1953 and two years later found guilty of organising an underground movement to topple the British Administration in Brunei at the end of 1953. On his release in 1955, sent by his father to study in India and returned to Brunei in early 1961. Sent to Jakarta by Yassin Affandi to receive TNKU members for training in mid-1962 but

was detained by the Indonesian military authorities in Kalimantan. On his release in March 1963, Azahari appointed him as the Foreign Minister of his Revolutionary Government in exile. Fell out with Azahari in 1966 and left the party. Returned to Brunei two years ago and now lives in Kampong Kilanas.

Mohammad Taib bin Awang Besar, Dato Seri Laila Jasa

d 1974; educated at English school, Labuan. A clerk in the British Resident's office, 1934 - 1940; Belait District Officer, 1941; Secretary to the British Resident, 1946 - 1959; Clerk to the Legislative Council; 1959 - 1967; State Secretary, 1967 - 1969. Retired 1970. One of the officers to oversee the implementation of Local Government Plan in 1956. Awarded title Dato Seri Laila Jasa in 1968.

Pengiran Ali bin Pengiran Haji Mohd.Daud, Pengiran Pekerma Setia Di Raja syahibol Bandar Haji

b. 1918; educated at Malay school, Brunei Town, 1925 - 1930; trained at SITC, 1937 - 1939; taught at various schools in Brunei. He was not involved in the activities of the Barisan Pemuda but was a leading member of the Malay Teachers' Association; appointed as a member of the Constitutional Advisory Committee in 1953; elected Chairman of Brunei/Muara District Advisory Council; 1954 - 1957. "Observer" to the State Council, 1954 - 1957; Unofficial member of the State Council, 1957 - 1959; member of the Sultan's constitutional delegation to London in 1959; Unofficial member to Legislative and Executive Councils November 1959 - August 1962; referred to as one of the three "Musketeers" by a Colonial Office official. Head of Religious Affairs Department, 1961 - August 1962; Deputy Menteri Besar, August

1962 until he resigned in 1965 to stand in District Council elections. He formed a political party, People's Progressive Party or PAKAR, to demand introduction of parliamentary government and independence after the elections. Became the chairman of BAKER, an alliance of four political parties in the following year in 1966; defeated in a by-election in 1968. Awarded "Dato Setia" in 1960 and appointed as one of the senior Traditional Ministers with the title Pengiran Pekerma di Raja Sahibol Bandar in 1983. At present a member of Privy Council and a prominent businessman.

Pengiran Haji Mohammad Salleh bin Pengiran Haji Mohammad, Pengiran di Gadong

b. 1890 - d February 1969; a prominent religious figure; chief Kathi January 1940 - 1966; member State Council July 1941, 1946 - 1959; Official member of Legislative Council and Executive Council 1960 - 1966; member of Religious Council 1955 - 1969. Appointed as a *Ceteria* with the title Pengiran Syahbandar Sahibol Bandar 1958 and promoted to a *Wazir* with the title Pengiran di Gadong in 1968.

Pengiran Pemanca Mohammad Alam bin Pengiran Bendahara Abdul Rahman

b 1918 - 1982; educated at Malay College, Kuala Kangsar, 1932 - 1936. Clerical officer in the Land Office 1937; Judicial Department 1940; Magistrate 1948. Became the second Wazir (the Second Minister) 1950. State Custom, Religion and Welfare Officer 1955 - 1961; a member of the Sultan's constitutional delegation to London in 1959; Speaker of Legislative Council 1970 - 1974.

Pengiran Maharaja Laila Muda Kahar bin Pengiran Bendahara Muda Hashim,
b 1919 - d 15 April 1957; educated at English school, Labuan; Malay College, Kuala Kangsar 1932 - 1936; appointed head of *Ceteria* (Third Minister) May 1951; member of the State Council July 1951; Chairman of the Constitutional Advisory Committee 1953; member of the Sultan's Constitution Committee in 1959; held various posts in government departments; at the time of his death he was deputy Collector of land revenue.

Pengiran Yusuf bin Pengiran Haji Abdul Rahman, Pengiran Setia Negara Dato Haji

b 2 May 1923; educated at Malay school, Tutong Town; trained at SITC, 1940 but interrupted by the Japanese invasion in late 1941; returned to Brunei in December 1942 and entered a Japanese language class in Brunei Town and later in Kuching; selected with a few students from the Borneo territories to study in Japan towards the end of 1943; followed a language course in the Kokusai Gakuyukai International Institute, Tokyo; entered the Hiroshima University to study Education in 1945 but interrupted by the dropping of the first atomic bomb in Hiroshima City in August 1945; returned to Brunei, March 1946; elected as the Deputy President of Barisan Pemuda in April 1946; sent back to SITC in 1947. Posted to Temburong District after returning to Brunei in 1949. A leading member of the Malay Teachers' Association. Appointed as the Secretary of the Constitutional Advisory Committee in 1953; transferred to the Information Department in 1954 and sent to UK to study a course in Public and Social Administration at South Devon Technical College, Torquay, 1954 - 1957. On his return from the UK he was posted to Information Department. State

Information Officer, 1959 - 1961; Deputy State Secretary and Director of Broadcasting and Information; August 1961 - 1964; State Secretary; 1964 - 1967; Menteri Besar, 1967 - 1972; An Unofficial member of State Council, 1957 - 1959; an Official member of Legislative Council and Executive Council, 1959 - August 1962; a member of the Sultan's Constitutional Delegation to London in 1959; and referred to as one of the three "Musketeer" by the Colonial Office during the London Conference. A novelist and a poet; a senior Traditional Minister with the title Pengiran Setia Negara; a prominent businessman and the Managing Director of *Borneo Bulletin* (a daily paper since 1992).

Salleh bin Haji Masri, Pehin Orang kaya Laila Wangsa Dato Paduka Awang Haji
(known as H.M.Salleh)

b. 26 June 1919; educated at Malay school, Bandar Seri Begawan, 1925 - 1930. An assistant teacher, 1934 - 1936. Trained at SITC, 1937 - 1940; began writing on nationalistic themes to *Utusan Zaman* (Singapore periodical) in 1937 and later to *Utusan Melayu* (Singapore newspaper) under pseudonym Putera Jati; formed Youth Association at Kuala Belait in 1941; publicly welcomed the Japanese and worked in the Japanese Propaganda Department; sentenced to 18 months imprisonment for collaboration by the BMA but freed when Lord Mounbatten announced armistice; one of the leaders behind the Malay-Chinese clash in March 1946 and was jailed for three months for his role in the incident; elected as the President of Barisan Pemuda, July 1946 and held the position until the demise of the youth movement in 1948, Deputy President of PRB, January 1956 - August 1958; imprisoned for four months in 1958 for perjury and subsequently resigned from the party. Identified as one of radical

elements in the PRB. Appointed as Commissioner of Social Welfare in August 1961 - 1974; member of Legislative Council 1963 - 1983 and Privy Council 1969 - present; appointed as a Tradition Minister with the title Pehin Laila Wangsa in 1969 and awarded Dato Paduka in 1986.

Scott, Sir Robert

b. 1905 - d 1982. Minister, British Embassy, Washington, 1953 - 1955; Commissioner General for the United Kingdom in Southeast Asia, 1955 - 1959; Commandant, Imperial Defence College, 1960 - 1961; Lord Lieutenant of Tweeddale, 1968 - 1980. Signed the Brunei-UK Agreement of 1959 on behalf of the British Government.

Selkirk, Lord

George Nigel Douglas-Hamilton, 10th Earl of Selkirk. b 1906 - 1994. Paymaster-General, UK, 1953 - 1955. Chancellor of the Duchy of Lancaster, 1955 - 1957. First Lord of the Admiralty, 1957 - 1959. UK Commissioner for Singapore and Commissioner General for Southeast Asia, 1959 - 1963.

Turnbull, Sir Roland Evelyn

b 1905 - d 1960; entered MCS in 1929. British Resident, Brunei, 1934 - 1937. Colonial Office, 1937 - 1939; Colonial Secretary, British Honduras (Belize), 1940 - 1943; War Office, 1943 - 1945; Colonial Secretary, Cyprus, 1945 - 1950; Chief Secretary, High Commission Territories, 1950 - 1953; Governor, North Borneo, 1954 - 1960.

White, Sir Dennis Charles

b 1910 - d 1983; Joined the Service of His Highness Rajah of Sarawak, 1932. Senior Resident in HM Overseas Service, 1955. Acting British Resident of Brunei, June-December 1956; British Resident, July 1958 - September 1959; British High Commissioner, September 1959 - 1963; Brunei Government Agent in UK, 1967 - 1983. Knighted in January 1962.

Yassin Affandi bin Abdul Rahman

b 19 May 1922; educated at Malay school, at Roman Catholic English school, Brunei Town. A clerk in the Japanese Administration in Miri, Sarawak. When the war ended he worked as a clerk under the BMA in Labuan. Involved in a Malay-Chinese clash in Labuan in March 1946. Returned to Brunei in July; worked in the National Registration Department and in the Supply Depot. Started as a Store Keeper in BMPC in Seria towards the end of 1947 became a senior local staff by middle of 1948. Elected as General Secretary of Barisan Pemuda Belait/Seria Branch. Elected as the General-Secretary of PRB, 1956 - 1962. A member of PRB's Merdeka delegation to London in September 1957. Given responsibility for organising the TNKU in August 1961 and held several secret discussions with Indonesian politicians in Jakarta. Elected as a District Councillor in August 1962 elections. The "Overall Commander" of TNKU who read the declaration of independence of Kalimantan Utara which signalled the beginning of the rebellion on 8 December 1962. Captured in May 1963; detained as a political prisoner until he escaped with six other top PRB's leaders in mid-1974. A member of PRB's delegation under the sponsorship of Malaysian Government to the United Nations demanding independence for Brunei in 1976. Now

lives in exile in Kuala Lumpur.

Zaini bin Haji Ahmad, Haji

b 21 January 1935; educated at Roman Catholic English school, Brunei Town, at Victoria school, Singapore, at St. Thomas, Kuching, at the London School of Economics, 1958 - 1960. Son of Pehin Orang Kaya Syahbandar Haji Ahmad bin Daud, a member of the State Council and the Sultan's Constitutional Delegation to London in 1959 (see above). A member of Executive Committee of the PRB 1956 - February 1958. Selected as a member of the PRB's Merdeka Mission to London in September 1957 and Azahari's delegation to Manila in 1962. On his return from London in 1960 he established his own weekly newspaper, *Suara Bakti* but by the end of 1961 it was forced to close by the authorities because of its anti-government stance. Attempted to form his own political party in December 1961 but then decided to rejoin the PRB. Elected as District Councillor in the August 1962 elections. When the rebellion broke out in Brunei he was in Manila with Azahari on a journey to the United Nations to stop the formation of Malaysia. He surrendered to the British authorities in Hong Kong in 1963 hoping to be given leniency but was sent back to Brunei and detained without trial until his escape to Malaysia in mid-1974. A member of the PRB's Mission to United Nations in 1976 demanding independence for Brunei. Recently returned to Brunei and is still in detention.

APPENDIX II

List of Members of Executive Council October 1959

President

The Sultan

Ex officio Members

High Commissioner - Dennis White

Pengiran Bendahara Haji Hashim

Pengiran Pemanca Mohammad Alam

Menteri Besar - Dato Haji Ibrahim bin Jahfar

State Secretary - Wan Ahmad bin Wan Omar

Attorney-General - Ali bin Hassan

State Financial Officer - M.D.Graham

Religious Advisor - Pengiran Syahbandar Sahibolbandar Haji Mohammad Salleh

Unofficial Members

Pengiran Yusuf bin Pengiran Abdul Rahim

Pengiran Ali bin Pengiran Mohammad Daud

Marsal bin Maun

Pehin Orang Kaya Syahbandar Haji Ahmad

Pengiran Abu Bakar bin Pengiran Mohammad Salleh

Jamil bin Umar

Nominated Member

R.E.Hales - Managing Director of BSPC

Source: Minutes of State Council Meeting

APPENDIX III

List of Members of Legislative Councils November 1959

Ex officio Members

Menteri Besar - Dato Haji Ibrahim (Speaker)

Pengiran Bendahara Haji Hashim bin Pengiran Abdul Rahman

Pengiran Pemanca Mohammad Alam bin Pengiran Abdul Rahman

State Secretary - Wan Ahmad bin Wan Omar

Attorney-General - Ali bin Hassan

State Financial Officer - M.D.B.Graham

Religious Advisor - Pengiran Haji Mohd.Salleh bin Pengiran Haji Mohammad

Official Members

Idris bin Babjee - State Education Officer

Hamidon bin Awang Damit - State Agriculture Officer

D.B.Petherick - Commissioner of Labour

Pengiran Abdu Bakar bin Pengiran Omar - District Officer of Belait

Pengiran Ahmad bin Pengiran Anak Mohd.Yassin - District Officer Temburong

Unofficial Members

Pengiran Yusuf bin Pengiran Abdul Rahim

Pengiran Ali bin Pengiran Mohammad Daud

Marsal bin Maun

Pehin Orang Kaya Syahbandar Haji Ahmad

Pengiran Abu Bakar bin Pengiran Mohammad Salleh

Jamil bin Umar

Pehin Jawatan Dalam Haji Awang Mohammad Noor

Pehin Orang Kaya Laksamana Haji Mohammad Taha

Pengiran Besar bin Pengiran Sabtu

Pengiran Bahar bin Pengiran Syahbandar Anak Hashim

Pengiran Jadid bin Pengiran Nasaruddin

Hashim bin Tahir

Abdul Manan bin Mohammad

Shahbuddin bin Salleh

Haji Awang Tengah bin Awang Daud

Ghazali bin Umar

Mohammad Idris bin Imam Said

George Newn Ah Foot - Chinese Community Representative

R.E.Hales - Managing Director of BSPC

Source: Minutes of State Council Meeting

APPENDIX IV

List of Members of Executive Council after 1962 Elections

President

The Sultan

Ex officio Members

High Commissioner - Dennis White

Pengiran Bendahara Haji Hashim bin Pengiran Abdul Rahman

Pengiran Pemanca Haji Mohd. Alam bin Pengiran Abdul Rahman

Menteri Besar - Dato Marsal bin Maun

Deputy Menteri Besar and Religious Adviser - Pengiran Ali

State Secretary - Raja Azam bin Raja Kamarulzaman

Attorney-General - Dato Abdul Aziz bin Mohammad Zain

State Financial Officer - M.D.B.Graham

Nominated Members

Hapidz Laksana - Brunei/Muara District*

Mahmud bin Mohammad Salleh - Brunei/Muara District*

Pengiran Yusuf bin Pengiran Mohammad Limbang - Brunei/Muara*

Mohammad Deli bin Matassim - Belait District*

Mohammad Akip bin Imam Abdul Ghani - Tutong District*

Misir bin Keruddin - Temburong District*

Pengiran Kerma Indra Haji Mohammd bin Pengiran Piut

Source: Minutes of Executive Council

Note: * Members of PRB

APPENDIX V

List of Members of Legislative Council after 1962 Elections

Speaker

Pengiran Haji Abu Bakar bin Pengiran Haji Mohd.Salleh

Ex officio Members

Pengiran Bendahara Haji Hashim bin Pengiran Abdul Rahman

Pengiran Pemanca Haji Mohammad Alam bin Pengiran Abdul Rahman

Menteri Besar - Dato Marsal bin Maun

Deputy Menteri Besar and Religious Adviser - Pengiran Ali

State Secretary - Raja Azam bin Raja Kamarulzaman

Attorney-General - Dato Abdul Aziz bin Haji Mohd.Zain

State Financial Secretary - M.D.B.Graham

Official Members

Chief Kathi - Pengiran Haji Mohd.Salleh bin Pengiran Haji Mohammad

Education Officer - Malcolm MacInnes

Deputy State Secretary - Pengiran Yusuf bin Pengiran Abdul Rahim

State Welfare Officer - Salleh bin Masri

Commissioner for Development - Sa'ad bin Marzuki

Director of Language and Literature Bureau - Haji Jamil bin Haji Umar

Controller of Customs and Exercise - Othman Chua Kong Soon

Controller of Telecommunications - Pengiran Kerma Indra pengiran Haji Mohammad
bin Pengiran Piut

Nominated Members

Managing Director of BSPC - P.M.Linton

Kapitan China - Pehin Temenggong Lim Cheng Choo

Elected Members*

Hapidz Laksana

Pengiran Metussin bin Pengiran Lampoh

Mahmud bin Mohd.Salleh

Othman bin Latif

Tengah bin Hasip

Pengiran Haji Yusuf bin Pengiran Haji Mohd.Limbang

Yassin Affandi bin Abdul Rahman

Zaini bin Ahmad

Mohd.Deli bin Matassim

ibrahim bin Ghani

Lamzi bin Idris

Momin bin Ahmad

Mohd.Akip bin Imam Abdul Ghani

Mohd.Idris bin Imam Mohd.Said

Abdul Wahab bin Mohd.Safar

Misir bin Keruddin

Source: Minutes of Legislative Council Meeting

* All Members of PRB

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Selected List of Persons Interviewed between December 1992- July 1995

Abdullah bin Jaafar, member of Executive Council of PRB and TNKU.

Azahari bin Sheikh Mahmud, President of PRB

Raja Azam bin Raja Kamarulzaman, State Secretary (1962-1964).

Arshad bin Marsal, President of Brunei Labour United Front (1960-1962).

Baha bin Momin, TNKU recruit sent to Kalimantan for training in 1962.

Garip bin Haji Manggol, commander of TNKU in Tutong District.

Hamid bin Mohammad, commander of TNKU.

Dato Hashim bin Tahir, Secretary of Brunei-Malaysia Commission.

Dato Hapidz bin Laksamana Abdul Razak, Deputy President of PRB

R.H.Hickling, was Deputy Sarawak Attorney-General (1952-1954).

Jais bin Haji Karim, member of Executive Council of PRB and commander of TNKU.

Pehin Jawatan Dalam Haji Jamil bin Haji Omar, Director of History Centre, Brunei.

Orang Kaya Lukan bin Uking, Dusun Chief.

Mesir bin Keruddin, commander of TNKU.

Mohammad bin Haji Manggol, leader of TNKU; Foreign Minister of Brunei Revolutionary Government in exile (1962-1966).

Momin bin Ahmad, commander of TNKU in Belait district.

Dato Marsal bin Maun, was *Menteri Besar*.

Pehin Khatib Haji Moxsin bin Othman, was *Ketua kampong* of Burong Pingai Ayer.

Othman bin Latif, member of Executive Council of PRB

Sir Dato W.I.J.Peel, British Resident (1946 -1948).

Lady Datin R.Peel.

Pengiran Setia Negara Dato Haji Yusuf bin Pengiran Abdul Rahim, was Deputy State Secretary (1961-1964); State Secretary (1964-1967); Menteri Besar (1967-1972).

Pengiran Pekerma Setia Di Raja Syahibol Bandar Haji Ali bin Pengiran Haji Mohd.Daud, Deputy Menteri Besar (1962-1965).

Pehin Laila Wangsa Dato Paduka Haji Salleh bin Masri, Deputy President of PRB (1956-1958).

Salleh bin Sambas, commander of TNKU in Limbang district.

Sheikh Salleh bin Sheikh Mahmud, member of TNKU.

Samat bin Jamaluddin, TNKU recruit sent for training to Jakarta.

Yassin Affandi bin Abdul Rahman, Secretary-General of PRB and "Overall Commander" of TNKU.

Yusuf bin Ibrahim, TNKU recruit sent for training to Jakarta.

Zaini bin Haji Ahmad, member of Executive Council of PRB.

Professor Zainal Abidin Wahid, academician; was interpreter of the Sultan during the London Conference 1959.