

The Brunei Constitution of 1959: An Inside History

B. A. Hussainmiya
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For many countries, the twentieth century was characterized by the shift from colonialism to independence. This struggle was contentious and often violent; the resulting governments frequently reflected the tensions between nationalist and colonial influences. In *The Brunei Constitution of 1959: An Inside History*, B. A. Hussainmiya examines the formation of the framework for the nonviolent and gradual movement toward independence through the negotiations surrounding the 1959 constitution.

A historian, Hussainmiya's previous works include his 1995 publication, *Sultan Omar Ali Saifuddien III and Britain: The Making of Brunei Darussalam*. The Brunei Constitution of 1959 began as a series of articles written for the *Borneo Bulletin* in 1999. This concise history of the 1959 Constitution is divided into eight chapters. The first two chapters

provide background information, while chapters three to seven cover the negotiations between the British colonial government and Brunei's monarchy. In chapter eight, the book ends with the constitution's actual promulgation.

Britain's relationship with Brunei began in 1847, when the two countries signed a treaty of peace and friendship. In 1888 Britain established a protectorate over Brunei, which grew to residency rule by 1906. Although the establishment of residency rule in 1906 afforded the British vast and unspecified powers, a role for the Malay monarchy, through the sultan, was preserved and, in some respects, augmented. By designating, at least in theory, the sultan as the "absolute sovereign," the British hoped to maintain the perception that Brunei was not a colony. As Hussainmiya notes, the British also increased the sultan's power over local nobles in an effort to increase their own power base.

The 1959 constitution marked a pivotal point in the nonviolent movement toward post-colonial independence. While it granted internal self-government in 1959, Brunei reached full independence only in 1984. The constitution affords the sultan significant political power and enables him to disregard the Executive Council's decisions provided he identifies, in writing, his reasons for so doing. The constitution also established the Privy Council, which advises the sultan on matters of mercy, constitutional amendments, and designation of honors; the Legislative Council, intended to be a mix of elected and appointed members; and District Councils. The constitution designates Islam as the official state religion.

Hussainmiya's analysis is centered on the interaction between two individuals in the making of this constitution: Sultan Omar Ali Saifuddien III and the British High Commissioner-cum-Governor Sir Anthony Foster Abell. Hussainmiya focuses on these two actors because of the influence they exerted over the movement toward independence. In many respects, these individuals represent the interaction between two opposing forces: the desire to reclaim what are identified as traditional, indigenous political systems, and the colonialist attempt to assert what they identify as the ideal political system in other cultures. The Sultan proved to be a strong force for independence, publicly stating his desire to grant a constitution in 1953 and using popular opinion and his status to shape the constitutional process. While Abell promoted a stronger British role under the new constitution, he was not supported by the British government.

Hussainmiya identifies a third force seeking to shape post-colonial Brunei, the Partai Rakyat Brunei (the Brunei People's Party). The Brunei People's Party was a pro-democratic, nationalist group that, according to Hussainmiya, was marginalized in the negotiations as a result of the Sultan's influence and British fears that they would not be able to control the group. In 1962 the party won popular elections for the partly elected legislative body, the results of which the Sultan refused to accept – an important fact Hussainmiya neglects. The party's subsequent revolt was quickly subdued, marking an end to these popular elections.

The central question this work addresses is how these competing forces shaped the 1959 constitution. While this work is concise, it covers many key elements in the formation of the current state of Brunei. It is an excellent introductory work for scholars interested in the recent history and politics of Brunei. However, it is limited in its ability to address other central issues. For example, what constitutes an "Islamic" state? What features of the constitution were influenced directly by Islam, and what features were influenced by Asian or Bruneian culture? Were there competing ideas about the role of women by the forces seeking to influence the constitution?

Although Hussainmiya's thesis rests on the central role personalities played in directing the outcome of the constitution, there is little comparative data to support this contention. Placing the period in a broader historical context would have added an interesting dimension to this work. Issues to consider in this regard include how relations with Brunei were affected by the British experience with independent movements elsewhere, the importance of natural resources – in Brunei's case, oil – in constitutional debates, and domestic political concerns in Britain.

The Brunei Constitution of 1959 provides important historical information on the movement toward an independent state. It contributes to a greater awareness of current politics in Brunei and is of relevance to both historians and political scientists. Such awareness is especially important in an era when there is a pressing need to understand more fully the ways in which culture, nationalism, religion, the state, and external forces interact on local, national, and international levels.

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