

Country Report 2003

(Based on the PCGIAP-Cadastral Template 2003)

Brunei

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I. Country Report

A. Country Context

Geographical Context

Brunei Darussalam – in Borneo Island with Malaysia and Indonesia (states).

Brunei Darussalam is situated on the north-west of the island of Borneo, between east longitudes 114 degrees 04' and 114 degrees 23' and north latitudes of 4 degrees 00' and 5 degrees 05'. It has a total area of 5,765 sq.km. with a coastline of about 161 km along the South China Sea. It is bounded on the North by the South China Sea and on all the other sides by Malaysian State of Sarawak.

The population of Brunei Darussalam in mid-year 1999, is estimated at 330,700 persons, an increase of 7,600 persons or growing at 2.4% over the mid year population estimate 1998. Of the said total, 175,200 (53.0%) are males and 155,500 (47.0%) females.

The land surface is developed on bedrock of tertiary age comprising of sandstone, shale and clays. The terrain in the western part of Brunei Darussalam is predominantly hilly lowland below 91 metres, but rising in the hinterland to about 300 metres. The eastern part of the state consists predominantly of rugged mountain terrain, rising 1,850 metres above sea level at Bukit Pagon. The coast has a wide, tidal and swampy plain.

Historical Context

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

The 1959 Constitution established the Chief Minister as the highest official, with the British High Commissioner as adviser to the Government on all matters except those relating to the Muslim religion and Malay customs. Effectively, however, in all internal and financial matters, the country has been self-governing.

Land administration was first handled by the British Resident which has the power to issue the letter of ownership to land applicants until the "Declaration of Constitution" in 1959 where this

power was given to His Majesty Duli Yang Maha Mulia Paduka Seri Baginda Sultan and Yang Di-Pertuan Negara Brunei Darussalam through Sultan in Council.

Current Political and Administrative Structures

Brunei is an independent sovereign Sultanate which is governed on the basis of a written Constitution.

His Majesty The Sultan and Yang Di-Pertuan is the supreme executive authority in Brunei Darussalam. His Majesty has occupied the position of Prime Minister since resumption of independence in 1984.

Brunei's administrative system is centred on the Prime Minister's Office which has provided the thrust behind His Majesty's aim to introduce greater efficiency in the Government. In his National Day speech in 1987, His Majesty pointed out that it was essential to keep the country's administrative machinery up-to-date in line with the development of Brunei as an independent nation. His Majesty has followed a combination of traditional and reforming policies, moving away from a structure of a Chief Minister and State Secretary to a full ministerial system with specified portfolios.

Historical Outline of Cadastral System

B. Institutional Framework

Government Organizations

Since independence, the government Administration are as follow:

- Prime Minister's Office
- Ministry of Defence
- Ministry of Finance
- Ministry of Foreign Affairs
- Ministry of Home Affairs
- Ministry of Education
- Ministry of Industries and Primary Resources
- Ministry of Religious Affairs
- Ministry of Development
- Ministry of Culture, Youth and Sports
- Ministry of Health
- Ministry of Communications

Survey Department is the authority to produced Land Titles (but not registration), plans, maps and other matters regarding cadastral surveys, demarcation etc. Other government that are involved in Land Administration include Land Departments (registration, transfers), Town and Country Planning (planning, master plans etc). The three Departments are under the Ministry of Development.

Private Sector Involvement

Most cadastral surveys are undertaken by the government but Licence surveyors involvement in cadastral surveys are limited to subdivision (with 3 lots and above), revision surveys and TOL surveys.

Qualification of a licence surveyors is required to pass an exam on cadastral surveys, planning issues and land administration set by Brunei Surveyors Board

Professional Organization or Association

BIG (Brunei Institution of Geomatics) was established in 2003 and currently inviting Geomatics practitioners in Brunei to join. BIG membership comprised of Surveyors, Valuers and Planners.

Licensing

Brunei Licence Surveyors act is being used for licencing and registration of Cadastral surveyors.

Education

Surveying programs up to technician level is currently provided in MTTSR technical College, further studies available overseas e.g. U.K., Canada and Malaysia

C. Cadastral System

Purpose of Cadastral System

Brunei Cadastral system was designed for the proposed of registration, transfer of ownership etc.

Types of Cadastral System

Cadastral systems for the whole of Brunei is based on torren systems and use lot number as the identifier. Two departments are involved in cadastral i.e. Survey Departments providing the technical aspects, surveys, mapping etc and Lands Department providing the Registration, transfers etc.

Survey Department provides cadastral mapping e.g. Land Titles, Plans, actual surveys e.g. fixing lots, subdivisions where all lot boundaries are fixed with cadastral surveys (demarcations).

Since 1999 Strata Title Act was implemented and Brunei Survey Department is the Authority to carry out survey, to produce plans and Titles. The act was meant to monitor and control Strata Title Survey and to safeguard everyone involved.

Cadastral Concept

Content of Cadastral System

Total number of Cadastral lots in Brunei is just over 68,000, these are mostly privately owned lots, and a number of lots occupied by government departments. The plots have been completely digitised and supported by field notes and Survey Plans

D. Cadastral Mapping

Cadastral Map

Survey Department using textual database (oracles) to store lot information etc although GIS software is currently being used to link the database and digital plots for the propose of map productions visualisation and to comply with other departments requirements for subdivision etc.

Survey Department is currently preparing Cadastral Lots in a form of Sheets at 2,500 scale with information such as lot number (as the identifier) with other information such as district, village boundaries, locations etc. cadastral maps are also available at different scales when requested.

Example of a Cadastral Map



Role of Cadastral Layer in SDI

E. Reform Issues

Cadastral issues

Current Initiatives

Digital maps are available within the departments network although initiatives are being made so that this cadastral information is available in the net.

References

www.survey.gov.bn

www.land.gov.bn

www.brunet.bn

II. Questionnaire

1. Cadastral Principles

Deed or title registration

- 1.1 Is your cadastral system based on deeds registration or on title registration?
- deeds registration
 - title registration
 - other:

Registration of land ownership

- 1.2 By law, is registration of land ownership compulsory or optional?
- compulsory
 - optional
 - other:
- 1.3 If felt necessary, please, comment how registration works in practice, and what the legal consequences are for not registering a land ownership title:

Approach for the establishment of the cadastral records

- 1.4 Are landowners required to register their properties systematically during the initial establishment of the cadastre or is registration sporadic, i.e. triggered only by specific actions (such as for example sale) ?
- systematic
 - sporadic
 - both
 - all properties are already registered
 - other:

2. Cadastral Statistics

Population

2.1 What is the **population** of your country ?

0.35 million

2.2 Please, estimate the **population distribution** between urban and rural areas.

urban:	...90... %
rural:	...10... %
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total:	...100... %

Number and distribution of land parcels

2.3 Please, estimate the approximate **total number of the smallest uniquely identified land units**, often called "land parcels" in your country, including urban and rural areas ?

60,456

The total number would include all freehold and state owned land, regardless of registered, non-registered or informal holding.

2.4 What is the approximate **total number of registered strata or condominium units** ? This number would be in addition to the number of land parcels indicated in 2.3 ?

nil

2.5 For **URBAN areas**, please, estimate the **distribution between the smallest uniquely identified land units, often called "land parcels"** (i) that are legally registered and surveyed, (ii) that are legally occupied but not registered or surveyed, and (iii) that are informally occupied without any legal title (this may include illegal occupation or squatting).

legally registered and surveyed:	...100... %
legally occupied, but not registered or surveyed:	...0... %
informally occupied without legal title:	...0... %
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total:	...100... %

If the estimation is too difficult or complex using land parcels, you may base your estimation alternatively on the number of people occupying these forms of land parcels.

2.6 For **RURAL areas**, please, estimate the **distribution between the smallest uniquely identified land units, often called "land parcels"** (i) that are legally registered and surveyed, (ii) that are legally occupied but not registered or surveyed, and (iii) that are informally occupied without any legal title (this may include illegal occupation or squatting).

legally registered and surveyed:	...97... %
legally occupied, but not registered or surveyed:	...2... %
informally occupied without legal title:	...1... %
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total:	...100... %

If the estimation is too difficult or complex using land parcels, you may base your estimation alternatively on the number of people occupying these forms of land parcels.

Number of professionals

Please estimate the total number of *academic professionals* that are active within the cadastral system and the proportion of the time that they actually commit for cadastral matters (as opposed to work outside of the cadastral system) ?

2.7	Total number of professional land surveyors , such as licensed surveyors active within the cadastral system:	50
2.8	Proportion of the time that these land surveyors commit for cadastral matters:	...80...%
2.9	Total number of lawyers/solicitors or equivalent active within the cadastral system or land market:	10
2.10	Proportion of time that these lawyers/solicitors commit for cadastral matters or land market:	60 %

Remarks and Comments

Please, identify the best aspect of this questionnaire ?

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Please, suggest the area in the questionnaire that could be improved?

Some questions are difficult to answer due to the lack of statistics but I accept that the best guess is better than no data.
