

ICH 2019**International Conference on Humanities****THE EFFECTS OF THE ANGLO-SIAMESE TREATY 1909 ON
NORTHERN MALAY STATES**

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Abstract

This study examines the effects of the Anglo-Siamese Treaty of 1909 on the northern Malay States, particularly Kelantan and Terengganu. The objective of this study is to analyse the primary effects of the Treaty of 1909 on the fate of the Malay states, particularly those that had been put under the British control. This study uses a qualitative research method based on the examination of the primary and secondary sources. The results of this study indicated that the Rulers of the Malay states, especially Kelantan and Terengganu, had reacted negatively to the treaty. This study also explain the existence of Malay opposition to the Siamese and British, which was translated through the anti-British uprising in Kelantan and Terengganu in 1915 and 1928 respectively, as well as prolonged resistance of the Malays from the northern Malay provinces that were still under the control of the Siamese/Thais up to this day. This study proves that the policy of British imperialism could not escape its direct and indirect negative impact on the Malay States.

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1. Introduction

The Anglo-Siamese Treaty of 1909 saw the two main effects that had to be borne by the two Malay states that were saved from the threat of Siam but was engulfed by a new threat brought by the British imperialism. First, British and Siamese agreement to distribute the rights of the Malay States as they wish had caused the Malay States to lose some of its important territories when they fell into the hands of the Siamese indefinitely. Second, the handover of sovereignty of the Malay states by the Siamese to the British describes the greed of both imperialist powers to divide the northern Malay states territories by their imperial motives. This encouraged British imperialism to make headway as a new imperialist power in northern Malay States, and also instigated awareness of nationalism in Kelantan and Terengganu in the early 20th century.

2. Problem Statement

Although various studies have been conducted in respect of the history of Kelantan and Terengganu, the writing discussed the effect of the Anglo-Siamese Treaty of 1909 on the Northern Malay States is very limited. Most of the historical writings focused on popular issues such as administration and economy with the title of this study being slightly marginalized. There are not many historical interpretations that explore this aspect, especially from the revisionist' point of view. The existing writings only describe this within a limited range of discussion.

3. Research Questions

The research question for this study is, what is the effects of the Anglo-Siamese 1909 Treaty on the northern Malay States?

4. Purpose of the Study

This study was conducted to explain to the general public about the effects of the Anglo-Siamese Treaty of 1909 on the northern Malay States.

5. Research Methods

Qualitative method is chosen as the research methodology because, with this method, valid and convincing data would be obtained. Throughout the period of collecting information, primary sources such as Colonial Office files, Kelantan Annual Reports and related documents from the British authorities would be utilized to the maximum to extract significant and valuable data.

6. Findings

6.1. Setting the boundaries of Northern Malay States

Under Article 1 of the Anglo-Siamese Treaty of 1909, the Siamese Government agreed to submit the rights of sovereignty, administration and any other control of Kelantan, Terengganu, Kedah and Perlis

and the neighbouring islands to the British (C.O 273/353, F.O to C.O., p. 347; Ahmad Mohamed, 1992; Mohammad, 1976; Wong, 1975). The agreement was signed between the British representative, Ralph Paget with Devawongse Varoprakar, Siam's Minister of Foreign Affairs. The Treaty of 1909 was an agreement that focused on the issue of establishing the boundaries between the British and Siamese. The agreement made in Bangkok had produced 8 articles with 2 protocols which formed the annex of the Agreement. The resolution of this agreement required that a decisive, marked and permanent solution to the boundary issue must be resolved.

The transfer of power of northern Malay States from Siam authorities to the British was carried out through appointed officers such as W. L. Conlay (Allied police officer) who took over the administration of the state of Terengganu, W. G. Maxwell (the solicitor for the Federated Malay States) for the state of Kedah, J. S. Mason (Perak Finance Officer) for the state of Kelantan and Meadow Frost (British Consul in Kedah) for the state of Perlis. In response to the willingness of Siam, the Federated Malay States government agreed to provide a cash loan worth 4 million pound sterling to the Siamese government for the purpose of constructing a railway in Bangkok (de Allen et al., 1981; Kaur, 1985; Maxwell & Gibson, 1924). Apart from that, in the effort to identify the boundaries that were acceptable by the two powers, the British and Siam had formed a commission known as the British-Siamese border commission to carry out the duties of establishing the location and marking the new boundary of the Malay States.

The British-Siamese border Commission was given the full responsibility of carrying out the measurement and delineation process with Colonel H. M. Jackson, Director of State Survey of the Federated Malay States appointed as President of the Border Commission for the British. Subsequently, on September 17, 1909, the Siamese government appointed a representative to head the border Commission on behalf of the Siamese government. The boundary measurement and delineation work set out in the Treaty of 1909 was successfully completed on 13 December 1913.

Hence, the border division between the Siamese government and the British government in the Malay States officially acknowledged. The separation of the Malay states was established with the land boundary lines of 352 miles (566 kilometers) from Batu Putih, in Kuala Perlis, the West coast of Malaya to Kuala Sungai Golok, Tabal (Tak Bai) on the East Coast separated the northern Malay States under the British authority from the Siamese territory (Institut Terjemahan dan Buku Malaysia, 2013). The British-Siamese were keen to use the river as a boundary; a decision that was illogical which could likely be challenged in future political disputes. For example, boundaries that were set involved Sungai Kerian, Sungai Perai, Sungai Golok, Sungai Sat, Sungai Pergau, Sungai Pancor, Sungai Kedah and Sungai Muda (Nik Hussain, 2010). On the other hand, Kelantan and other territories came under Siam, such as Pattani, Narathiwat and Yala (apart from Setul in Kedah) (Ahmad & Mohd Yusoff, 2016), had close kinship or family relationship that form all the states into a nation-state that could not be separated (Nik Anuar, 2009). The decision by the British and Siamese resulted in the uprising of the Pattani people against Siam/Thailand since 1910 until today (Nik Anuar, 2009).

The effect of changes saw a number of boundary lines set for the purpose of transferring the entire river valley to certain states controlled by both imperial powers. For example, the corner of the Reman River under Siamese control, located within the Perak River valley was handed over to Perak. However, the boundary determination failed to take into consideration the rights of Kelantan-Patani government

when the Golok River was made a permanent international boundary. As an effect, Kelantan lost the Tabal territory. Other Malay states such as Kedah and Perlis have also lost important and vast provinces encompassing around 300 miles of the area involving the area of Sadao, Setul, Pulau Terutau and the surrounding islands, as well as the Pujoh River in Perlis. Similarly, Perak also lost the area of Betong which was placed under the authority of Siam. All the regions were occupied by many Malays who would eventually lose their political identities

6.2. Early Reaction of the Northern Malay States Peninsular

The Treaty of 10 March 1909, in a sense, was able to release the Malay states from the dominance of Siam. But like the adage that reads, 'out of the frying pan into the fire', the fate of the northern Malay States was not promising under the British imperialism. Subsequent to 1909, the British had finally received extensive opportunities to intervene and rule the Malay states such as Kedah, Perlis, Kelantan and Terengganu that were fully abandoned by the Siamese. Eventually, the states were forced by the British to sign a number of 'protection' agreements aimed at validating the British's dominance against them. For example, on 22 October 1910, an agreement was signed between the British and the Kelantan government, represented by John Anderson and Raja Long Senik (Maxwell & Gibson, 1924).

Prior to that, Anderson who was the Governor of the Straits Settlements and the High Commissioner for the Federated Malay States represented the British Government to bind the treaty with the Terengganu government on 22 April 1909 which was led by Sultan Zainal Abidin (Maxwell & Gibson, 1924). Through British pressure, the 1909 treaty was further strengthened by another agreement held on 24 May 1919 between British representatives, Sir Arthur Henderson Young (Governor of the Straits Settlements and High Commissioners of the Malay States) with Sultan Muhammad (Sultan of Terengganu). The same agreement was also held in Kedah in 1923 between Sir Laurence Nunns Guillemard (British representative) with Tunku Ibrahim representing Sultan Abdul Hamid Halim Shah, Sultan of Kedah (Maxwell & Gibson, 1924). Perlis was the last state to make an agreement with the British government in 1930 (de Allen et al., 1981). By the agreements reached between the British government and the Malay States, the British had strengthened the grip of imperialism and dominated the political and economic rights of the states through the policy of indirect rule. This is evident through the conditions of the agreement confirming the position of the Malay states that were bounded to the British.

The attitude of both imperialist power that treated the Malay States as pawns had caused anxiety, disappointment and anger amongst the rulers and the people of the Malay States (C.O. 273/343). For example, in Kelantan, Kelantan's Yang Di Pertuan Raja Long Senik, who was not consulted and only knew about the sealing of the 1909 agreement by a letter from Anderson, gave Anderson harsh feedback. Raja Long Senik totally opposed the Treaty of 1909 that was signed without his knowledge and blessing. He was also extremely enraged with the British Government conduct to illegally surrender the Tabal region to Siam, which was inhabited by approximately 15,000 Malay people.

Meanwhile, the Sultan of Terengganu was surprised when he learnt about the details of the Treaty from August Katz, a European who visited Sultan for investment purposes in Terengganu. The Sultan equated the Siamese Government's conduct "... As if I seize your watch and sell it to some other person". However, the Siamese gave a negative response to all the Malay Government by asserting its right to the

entire northern Malay state and argued that the Malay states "...only lost its territory, whereas Siam lost the most part of its country." The same assertion was made by Ralph Paget, the British ambassador to Siam.

6.3. The effects of the Anglo-Siamese Treaty of 1909 on the sovereignty of the Malay States

The Treaty of 1909 turned out to be a point of departure from which the completion of British colonialism throughout the Malay Peninsula (Andaya & Andaya, 2001). In an effort to strengthen its dominance, the British as a sole imperialist power in the Peninsula since 1909, had pressured and forced the Malay States to sign an agreement which confirmed British rights in the administration of the States. Some elements of the treaty that were agreed were signed under the threat of war, similar to all other agreements from 1824 to 1874 which was established using deceit and the violation.

In Kelantan, the British control of the state was executed through intimidation of warfare. Raja Long Senik who was unable to endure the pressures mounted by the British was finally forced to accept the British patronage through an agreement forced upon him on 22 October 1910. This agreement empowered the British government to appoint an advisor to advise the Sultan in all matters related to the administration except in matters concerning the Malay religious and customs. In an effort to persuade and avert the dissatisfaction of the Kelantan rulers, the British immediately agreed to validate Raja Long Senik's position as the Sultan of Kelantan by giving him the title Sultan Muhammad IV. He was also given an allowance of \$2,000 per month and a pension of \$4,800 per year. He was also conferred the K.C.M.G degree by the British government. Similarly, the allowance and pension that were given to the state were also increased. In fact, the British would resort to anything necessary, including bribery, to enable it to dominate the state of Kelantan.

The initial effect of the 1909 agreement on Kelantan became the catalyst to the subsequent political, economic and social consequences. One of the important effects of British dominance in the State administration was the inclusion of economic imperialism and capitalism that emerged through the restructuring in the administration of the state law and regulations of Kelantan, specifically involving land. A previously flexible economic system that gave freedom to rulers and the natives through the practice of lease, forced labor and debt-slave had been abolished by force through the introduction of new land laws and regulations. As a result, the people of Kelantan have to cope with the implementation of new taxes and the full use of currencies to pay for rental and trade purposes. In addition, under the British rule, the restructuring of local government at the district level was also enforced and this was a significant blow to the position and integrity of the state's heirs and Malay dignitaries. The powers and strength of the dignitaries in the districts that were previously owned for generations begin to disintegrate when the form of administration at the district level was restructured as a result of British exploitation. The repossession of the districts and administrative rights on it by the British appointment officials had caused the dignitaries to lose their fundamental strength to maintain their influence on the people. Their source of income that was earned from the collection of their taxes in a discriminating manner had also been confiscated despite the fact that their life and authority were entirely dependent on those rights. At the moment they became prey to the British in order to obtain allowance and pension to support their lives.

The first step taken by the first British adviser, J. S. Mason, in Kelantan was making administrative changes over the court system which was considered to be less effective than the courts in the Federated

Malay States. Before the British administration, there was already a Syariah court in Kelantan, the State Court of Kelantan and a Custom Court that formed the basis for Islamic Law and Malay Customs. At the early stages of Mason's administration, he claimed that the management of Kelantan's Syariah Court was inefficient and unsatisfactory. Following that, Mason passed an enactment known as the Succession to Small Estates Enactment, 1910 (No. 17 of 1910). This enactment "... restricted the jurisdiction of the Syariah Court to land inheritance cases of properties with maximum value \$500 or less land removed all others to the jurisdiction of the Land Officers." Enactment No. 17, the year 1910 was his first attempt to limit the Syariah court legal system in Kelantan. This move was intended to separate Islamic law from secular matters in the court institution. He further announced Ecclesiastical Court Procedure Enactment, 1909 (24 May 1909, No. 5 of 1327 A.H.) to determine the judiciary and procedures of the Syariah court. Subsequently, he also created the Mufti office to maintain the salaries of religious officers, which indirectly placed the officials under British control. For Mason, religious administration needs to be placed under the supervision of Mufti to complement British administration based on the tendency to preserve the status quo of the religion in the colonial administration environment, or more clearly British exploitation. On 24 December 1915, Council of Religion and Malay Customs of Kelantan was also established (Mohamed, 1974, p. 31). All these measures should be seen in the context of the British imperialism as it is designed to be in fulfil with the objective of the economic exploitation in addition to the opposition and default of the indigenous people by law.

Apparently, as a British advisor, Mason sought to increase the British colonial power in Kelantan by restructuring the state administrative machinery. This meant that the British administrators were more conscious about modifying the policies of various departments in the state so that they would be in line with what had been implemented in the Federated Malay States, strengthening the grip of colonialism economy. As such, when the British took command of the state of Kelantan, the power of the Malay Dignitaries in the State Council was reduced once again, the power remaining for them was just to give what was requested and approved by the law (Abdullah Alwi, 1996). In fact, in many instances, the State Dignitaries were sidelined by the British Advisor. With all the extensive transformations, it was not surprising that the British imperialism was seen to be more extreme compared to the Siamese until the British were forced to face the resurrection of Pasir Puteh residents led by Tok Janggut in 1915 (Ghazali, 1999, p. 56). The dignitaries of Kelantan in the district, who found their position to be increasingly challenged, as well as the extreme intervention of the 'disbelievers', had mobilized the strength of the people who were protesting the implementation of the new land tax system and the conduct of the British district officer whom they found aggravating (de Allen, 1968).

In the case of Terengganu, when W. L. Conlay came to the state to exercise his power as a British representative, Sultan Zainal Abidin III was advised by Haji Ngah Mohammad (Dato ' Seri Amar Diraja) to negotiate and address the claims made by Terengganu first. The attempts to block British interference in Terengganu's administration was accomplished through the means of negotiation. Negotiations were held between Terengganu and the British as Terengganu did not fully recognize the the Treaty of 1909 and insisted on being an independent Malay state. During that negotiations, the draft agreement was discussed, and some amendments were made in accordance with the proposals submitted by Sultan Zainal Abidin III and Dato' Seri Amar Diraja. The negotiation was held approximately one year, including determining the

terms of duties of the British representatives and the conditions of the agreement, which would ultimately be witnessed by both parties who agreed to sign an agreement on 22 April 1910 (Maxwell & Gibson, 1924).

With the commencement of the agreement, a British representative was for the first time allowed to serve in Terengganu. However, this did not mean Terengganu had fallen under British authority. Although British representatives were allowed to attend the State Legislative Council, they were only there in the capacity as observers. In addition, the British representative would be allowed to participate in the court to resolve matters relating to the question of the British people (C.O. 273/360; C.O. 273/351). This is because Enactment 1910 acknowledged Terengganu's independence and its position as an Islamic State (Braddell, 1931). Dato ' Seri Amar Diraja admitted that Terengganu was an independent state, and refused the allegations of Siamese supremacy on Terengganu which gave Siam the right to deliver the State to the British through the Treaty of 1909. Dato ' Amar Diraja insisted that "... Although we (Terengganu) sheltered under them (Siamese), apart from the gold flowers, everything else is under our *tasraf* (authority)..." This scenario had proven that Dato' Seri Amar Diraja did not condone British intervention in Terengganu. He was well aware of the British's motives. It can be seen in his remarks, "Indeed, it is obvious...the British will look for every possible way...to enter and intervene us (Terengganu) so that they can take whatever is in our hands in our hands."

His view was true because the British had always sought any weaknesses in the administration of the Malay States as a ground for intervention, among them using the reasons of the ruler's cruelty, schism and power struggle of the rulers, the absence of the legal systems, and the security of British citizens. The Terengganu government had to ensure that there was no reason for British intervention and this was a difficult efforts if it is measured in terms of British advancement in the whole of the Peninsula. Finally, in 1918, the opportunity emerged when the High Commissioner of the Federated Malay States, Sir Arthur Young formed a commission investigating Terengganu, arising from the allegations of some wrongdoings involving the administration State Government. The Commission was constituted by Sir Alexander Strachey Bucknill, Hayes Anantara and Frederick Mitchell Elliot. The British representative of Terengganu, J. L. Humphrey also joined the investigation body. On 7 to 16 September 1918, investigations were carried out and the Commission alleged that Terengganu's administration was not transparent and efficient and that more power should be given to British representatives to ensure that Terengganu can run efficiently. The Commission also asserted that every advice given by the British government through its officers must be obeyed by the State Government. The formation and investigation of the 1918 Commission was a step in several different types of measures used by the British for direct intervention in the administration of Malay States, particularly in Terengganu.

As a result of pressure placed on him, the ruler of Terengganu had to agree to the signing of a follow-up agreement in May 1919 to verify the power of the British representative in the State. Among the requirements of the British-Terengganu Agreement 1919 was to officially accept the British adviser in the administration of Terengganu. The first British advisory post was held by J. L. Humhreys, who had previously served as a British representative. As a preliminary step of the implementation of the administration or political intervention, Humhreys met the Sultan of Terengganu to propose an appointment of a British judge in Terengganu in a large court to replace Dato ' Bija Sura which was approaching old age and was advised to retire. The Sultan had to reaccept the advice of the British representative and appointed

a British representative to Terengganu for the position of the Supreme Court Judge. However, this motion was opposed by Dato ' Seri Amar Diraja on the ground of foreigners not being allowed to interfere in laws relating to Islam. As a result, the judge was only allowed to become a member of the court, a legal advisor.

In addition, the British also intervened in the administration of Terengganu state land, which was the main target of its economic exploitation. In 1915, the Land Office was established in Terengganu (Annual Report Trengganu, 1915). In this regard, the British government began to introduce new regulations in Terengganu and this had caused considerable anxiety especially among the villagers who would be the victims of British imperialism. With the enforcement of the regulations involving tax and land regulation, the poor Terengganu farmers were now further burdened by the inconvenient taxes and regulations. As a result, in July and August 1922 on poverty and religious sentiment, the residents of Hulu Terengganu led by religious leaders had initiated a protest against the introduction of the new regulations. Some of their protests included clearing the forests without applying for any pass. Haji Abdul Rahman Limbong has written a letter of protest to the government for the new rule which suppressed the rights of the villagers who were in distress (SUK. Tr. 599/1342.). The culmination of the residents was the outbreak of the anti-British protest in Hulu Terengganu which was driven by religious calls and Malay nationalism awareness under the leadership of Haji Abdul Rahman Limbong, Haji Musa bin Abdul Ghani (Haji Musa Minangkabau) and Sayyid Sagap.

7. Conclusion

The agreement signed between the British-Siamese on 10 March 1909 clearly manifest, both from the point of politics and diplomacy, as an invalid agreement between two imperialist powers to serve imperialism. This means that the transfer of power against the Malay States and the setting of boundaries made through the agreement was based on the logic and importance of foreign imperialism, not based on the voice and rights of the Malay states involved. The Siamese and the British thus made an agreement to determine the boundary of their occupation between themselves while the Malay States had become a victim trapped between the two imperialist powers.

The primary effects of the reaty of 1909 could be highlighted through two main structures. The first was the infringement of the rights and sovereignty of the Malay States, it was performed according to the logic and benefits of two imperialist power without lawful rights. This was because the Malay states were not Siamese colonies that can be offered without permission, despite the fact that the Malay rulers had to accept Siamese patronage to prevent direct occupation by Siam. The handover and confirmation of the British rights on the Malay States by Siam, which allows for the intervention of British in the northern Malay States explained why the Malay States strongly rejected the action.

The second effect was also deeply related to the first consequence of the agreement, which saw the dominance and the widespread intervention of the British in the Malay States, particularly in Kelantan and Terengganu. This development had led to political changes and social and economic exploitations that were only profitable to the British and pose significant losses to the rulers and indigenous people in the Malay States. It was not surprising that the government and the Malay States resisted the presence of the British. A clear reaction to the new imperialism was the prolonged opposition of natives to Siam or the British. This emerged through the revival of anti-British nationalism in 1915 in Kelantan and 1928 in Terengganu as

well as the continuing Malay nationalist sentiments in Thailand until today. Even problems that occurred, for instance in the border issues of Kelantan-Siam and the issues of Patani are unlikely to be resolved unless Thailand was able to return to diplomacy and political concessions before 1909.

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