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**ANGLO-SIAMESE TREATY OF 1909: ITS IMPLICATIONS ON
KELANTAN'S POLITICAL AND DELINEATION STATUS**

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Abstract

This study examines the effects of the Anglo-Siamese Treaty of 1909, or better known as the Bangkok Treaty 1909, on the northern Malay states, particularly the state of Kelantan. This study argues that the 1909 treaty was reached between Siam (Thai) and the British as imperialist powers whose only aim was to oppress and take control of the Malay states for their own ends. By having such a treaty without getting agreement of the rulers of these states, the British and Siam had demarcated territories and set political rights according to their wishes to the extent that this gave rise to negative impact on the states concerned, particularly Patani and Kelantan that were separated from each other. Additionally, this study looks at how the boundaries that were determined by the treaty, which shaped the scope of Siamese and British power, splintered Malay states and population, and generated issues of Malaysia-Thai border that have yet to be resolved until today.

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Keywords: British, Siamese Anglo-Siamese Treaty 1909, Kelantan, imperialism.



1. Introduction

This study investigates the effects of the 1909 Anglo-Siamese Treaty on the Kelantan-Siam border demarcation issue. The 1909 Anglo-Siamese Treaty that was endorsed between the British and Siamese government on 10 March 1909, and ratified in London on 9 July 1909. This treaty, which is known as the Treaty of Bangkok 1909 was signed at the Siamese Palace in Bangkok City. The British officer, i.e. Ralph Paget, was appointed to represent the British while Prince Devawongse Varoprakar represented the Siamese government (Institut Terjemahan dan Buku Malaysia, 2013, 50). This treaty, which was initiated by Straits Settlements Governor cum High Commissioner of Federated Malay States, John Anderson, was a continuation or complement to several other treaties that were signed prior to this between Britain and Siam, among others the 1826 Burney Treaty, the 1855 Bowring Treaty, the 1897 Anglo-Siamese Secret Treaty and the 1902 Anglo-Siamese Treaty. These treaties, which were a compromise between two imperial powers, had made a big impact on the economic, political, sovereign and stability status of the northern Malay states of Pattani, Yala, Narathiwat, Setul, Kedah, Kelantan and Terengganu that became victims of political manoeuvres in the larger context of foreign powers competition so as to take control over economic interests in these Malay states. In this study, emphasis is placed on the impact of such treaties on the state of Kelantan.

1.1. The Content of the Anglo-Siamese Treaty of 1909

The treaty that consisted of eight items involved one major issue, i.e. the transfer of Siamese patronage and administration over the northern Malay states to the British government. Item I in the treaty clearly stated that:

The Siamese government hand over to the British government all rights and whatever authority, patronage and control it holds over the states of Kelantan, Terengganu, Kedah, Perlis and surrounding islands (within the states concerned). The borders of these territories will be determined via the Boundary Protocol that is per attached here (Anglo-Siam Treaty of 1909) (Institut Terjemahan dan Buku Malaysia, 2013, p.54-56).

Item II of the treaty also acknowledged that the British and Siam agreed to transfer and surrender all rights over the northern states of Malaya within a period of 30 days after the treaty was ratified.

One of the important aspects of the treaty is the issue of the boundaries of the Siam-British authority given the greyness regarding the line of demarcation that needed to be determined over the territories that came under both governments. Item III of the treaty stated that a Combined Commission that consisted of both Siamese and British administrative staff must be set up within a period of six months after the 1909 Anglo-Siamese treaty was ratified by the British government. This Commission was responsible for determining the new Siam-British borders and the action of this Commission must be taken according to the Boundary Protocol that was decided upon (Institut Terjemahan dan Buku Malaysia, 2013, p.54-56).

The Item III also stated that all citizens of the Siamese King residing in the territory mentioned in the Item I that was intended to maintain their Siamese citizenship would, within a period of six months after the ratification of the Treaty, be allowed to do so if they were domiciled in territories under the Siamese authority. The British government also issued a pledge that Siamese citizens who lived in the territories as

stipulated in the Boundary Protocol were free to maintain their immovable properties in the territories mentioned in Item I. Both Siamese and British governments also agreed that according to normal practices, if a power transfer occurred, any concessions issued prior to this by any parties who signed the treaty, they would be recognised. Hence, this meant that any parties, whether individuals or companies that gained concessions in the territories stipulated in the Item I of the 1909 Anglo-Siamese Treaty, which were given by, or obtained permission from, the Siamese government, would be recognised by the British government and could continue their activities according to the agreement made (Institut Terjemahan dan Buku Malaysia, 2013, p.54-56).

2. Problem Statement

Most past studies were only keen to study about the South Thailand insurgency which is still an ongoing conflict centered in southern Thailand, but lesser are known about the effect on the demarcation line of the state border to the Kelantan's political and delineation status. As it was one of the after effects of the 1909 treaty, it needs to be highlighted as this problem still arise till today without any proper solution.

3. Research Questions

Based on the above discussed, what is the truth behind the British declaration of Emergency 1948 in Malay Peninsula?

4. Purpose of the Study

The main purpose of this study is:

- 1) To elucidate in detail the aftermath effect of Anglo-Siamese Treaty 1909 between Siam and British in 1909 to Kelantan's political and delineation status.
- 2) To comprehend how this peculiar treaty signed without taking into account the interest of the Malay Sultanates which had left behind a long-term cause that are hard to settle to this day.

5. Research Methods

For the research design, qualitative method is selected to collect and identify evidence and facts in order to have an in-depth analysis in achieving the objectives of the study. The main material used for this study consists of primary sources and secondary sources obtained from the library of Universiti Sains Malaysia and Universiti Kebangsaan Malaysia

6. Findings

6.1. The Push towards the Signing of the 1909 Anglo-Siamese Treaty

The Anglo-Siamese Treaty of 1909 was ratified because of the main worry of the British who received rumours about the plan of their European competitor, i.e. the French, to build a canal across the Isthmus of Kra so as to facilitate travel between its colony of Indochina and Europe. The construction of this canal was feared by the British that it would pose a threat to its trading interests in Malaya and

Singapore as a free port in Southeast Asia. In their attempt to halt the advance of French power in the Menam Valley and the north of Malaya, the British since early 1897 held a secret consultation with the Siamese government. In this consultation, the British recognised Siamese sovereignty over any territories in the south, including their interests in the northern Malay states. The Siamese, in turn, promised not to give trading concessions to any European powers without the agreement of the British. The British also promised to protect or help Siam if it was attacked by enemies. This treaty signalled the beginning of a British policy that was more concrete in terms of actively intervening in the northern Malay states, such as Patani, Kelantan, Terengganu, Kedah and Perlis.

The worry of the British regarding the control of other European powers over the northern Malay states had increased. In 1901, British intelligence detected the presence of certain forces in Pattani and Kelantan that tried to enlist support from the Germans under the leadership of Otto von Bismarck so as to liberate these states from the grip of the British-Siamese treaty. Since 1899, other European powers such as Germany, Russia, and the United States were said to have attempted to secure territorial rights to the northern Malay states. For example, Germany had intensified its attempts in 1899-1900 to acquire Pulau Langkawi to be used as its naval base in Southeast Asia. Russia, too, tried to gain control of Ujong Salang (Phuket Island) to be made into coal base, while the United States attempted to get concession in Terengganu and surrounding islands, such as Pulau Redang, Pulau Perhentian and Pulau Kapas. Faced with this grim reality, the British, who were worried that Siam might yield to the pressure of these foreign powers, had put pressure on the Siamese government. The Siamese government, who felt threatened by the British, agreed to sign a new treaty on 6 October 1902. According to the treaty, the British recognised Siamese lordship over several Malay states that were called "The Siamese Malay States" (Nik Anuar, 2009, 4). However, the later stage of the British-Siamese agreement that led to a complete control of the British over the northern Malay states was the Anglo-Siamese Treaty of 1909.

Apart from that, British-Siam relations were disturbed as a result of pressure imposed by the activities of the Development Company Limited held by Robert William Duff, former Acting Police Superintendent of Pahang. The Duff company was a limited company that controlled almost one-third economic concession in Kelantan. In addition, through a private agreement made with the Kelantan Sultan (Sultan Muhammad IV, 1899-1920), Duff also gained a lease in Hulu Kelantan that provoked an opposition from the Siamese government. Siam did not recognise the issuance of that concession because the Kelantan Sultan had made his own decision while Kelantan was still under the patronage of Bangkok (Nik Haslinda, 2011). Duff, who was so keen to ensure and maintain his economic concession, exerted pressure or threat on the British to intervene in Kelantan that was often riddled with local conflicts and Siamese threat on his investment interests. Hence, the Duff company was said to be completely responsible for putting pressure on the British to change its policy from one of non-interference to one of interference in the northern Malay states (Nik Haslinda 2011).

The refusal of the Siamese government to recognise Duff's concession in Hulu Kelantan compelled Duff to pressure the British government to help him to gain Siamese recognition. British reaction towards Duff's pressure was influenced by Duff's threat to secure guarantee of protection from other foreign powers, such as France, Germany and the United States, if he failed to get British help (Mohd Isa, 2002; Nik Haslinda, 2011). The pressure and threat from Duff became the main factor that induced the British to

intervene in Kelantan. Consequently, the British forced Siam to recognise the concession agreement to the extent that it brought about the signing of the 1902 Anglo-Siamese Treaty. Through this treaty, the Siamese government recognised the Duff concession while the rulers in the Malay states, such as Kelantan and Terengganu, were no longer allowed to build relations with any foreign powers except Siam.

Following the Anglo-Siamese Treaty of 1902, a directive was issued in March 1904 to demarcate the actual borders of the area of the Duff Company's concession (Nik Haslinda, 2011). The demarcation of the Duff concession, however, had caused a conflict between Duff and the Kelantan government. The conflict between the two parties also emerged when Duff tried to build a railway track within his concession area that was not accepted by the Kelantan Sultan on the advice of W.A. Graham, the Siamese advisor in Kelantan. Additionally, the Kelantan Sultan had reintroduced a tax on crops produced on the land owned by Duff. This development irked Duff to the extent of him seeking intervention from London so as to protect his interests (Nik Haslinda, 2011). As a result, the British government, which had an interest to intervene in the northern Malay states since 1902, held consultation with the Siamese to coax them to accept a transfer of governing power in these states from Bangkok to London. This development led to the signing of the Anglo-Siamese Treaty in 1909. According to this treaty, Siam finally expressed its agreement to completely surrender its authority over Kelantan, Kedah, Terengganu, Perlis and a portion of Hilir Raman to the British, while the position of Pattani was not even mentioned at all in the treaty.

According to researchers, among the factors that led to Siam's willingness to surrender its administrative power over the Malay states to the British was because Siam regarded these states as its "burden" that could not be controlled and not profitable in economic terms. Siam was also eager to focus on the importance of its interests and sovereignty that were often threatened by foreign interference so that it was ready to compromise and see to the end of British threat in the south of the country (Andaya & Andaya, 2001). Additionally, the surrender also occurred because the Siamese ruler, i.e. King Chulalongkorn, felt insulted by the conditions stipulated in the 1897 Secret Agreement, which placed Siamese authority in the Malay states under British control. Another thing that embarrassed Siam was the rights of the British alien territory in Siam that prevented any legal action to be taken against foreigners in Siam who claimed to be British citizens (Nik Haslinda, 2011). Hence, Siam wanted to resolve this issue that interfered with its sovereignty and at the same time lowered its dignity. With this surrender, the British were able to gain political control over the Malay states in the peninsula, and to force these states to recognise this change by accepting the British advisory system. British control in Kelantan was further reinforced by a follow-up agreement reached between Britain and Kelantan in 1910 which outlined clear conditions that Kelantan would receive a British adviser or assistant adviser and would no longer establish political relations or pact with any foreign powers with the exception of the British (Institut Terjemahan dan Buku Malaysia, 2013, p.54-56).

6.2. Implications of the Anglo-Siamese Treaty of 1909 on Kelantan

It is clear that the 1909 Anglo-Siamese Treaty was signed based on the interests that were inimical to the rights and position of the Malay states. It only involved the agreement of two foreign powers that tried to protect their respective imperialistic interests; the agreement did not involve at all the approval or decision of rulers in the Malay states concerned, including Kelantan (Mohd Kamaruzaman, 1992). It is

clear that this agreement did not take into account the dignity and sovereignty of the Malay states, thereby bringing about frustration and negative reconciliation from the rulers of these states.

The ruler of Kelantan, Long Senik, for example, felt frustrated and strongly protested against the decision reached because it did not take into account the views and approval of the ruler, who perceived the agreement as one that violated the rights of a free Kelantan that did not wish to be tied to foreign powers, including British. Kelantan felt that its position should not be decided by Siam as it was an independent state. Although Kelantan adhered to the policy of sending a tribute of golden flowers to Siam, this did not indicate that Kelantan was under Siamese patronage. The tribute was only a sign of friendship that was misinterpreted or, actually, manipulated by Siam and Britain. Long Senik, who at that time was desperate as he was facing threats from other dignitaries in Kelantan, rejected strongly the decision of the 1909 Anglo-Siamese Treaty. However, owing to threats and intimidation, for example through the sending of warships, Long Senik was forced to submit to the demands of the British and accept British control over Kelantan.

Through Item IV in the 1910 Anglo-Kelantan Treaty, the Kelantan government was pressured and forced to fully cooperate with the British. Item IV of the treaty provided power to the British to intervene in the affairs of Kelantan if the Kelantan government failed to secure peace or encouraged opposition towards the British in the state (Institut Terjemahan dan Buku Malaysia, 2003, p. 54-56). The Kelantan Sultan was also completely not permitted to establish relations with foreign countries or powers. Using threat and manipulation, the British managed to strengthen its position and fully contain any resistance towards its incursion in Kelantan.

The transfer of power towards Kelantan made it possible for both colonial powers to resolve the Kelantan-Siam border problem, the decision of which was based solely on the interests of Britain or Siam, not Kelantan's. Historically prior to the 19th century, there was no clear and permanent borders in the Malay states. On the other hand, Kelantan and other territories that came under Siam, such as Pattani, Narathiwat and Yala (apart from Setul in Kedah) (Ahmad Jelani & Mohd Yusoff, 2016), had close kinship or family relationship that form all the states into a tribe/nation/state that could not be separated (Nik Anuar, 2009, 5). However, the Anglo-Siamese Treaty had marginalised the voice and wants of the people of Pattani and the other territories, separated or disunited completely the close relations between these states, thereby making Pattani and a few other territories lose their independence and became only a part of the Thai nation. Pattani was forced to submit to being part of Siam. In fact, in the reign of Pibulsonggram (1938-44 and 1948-57), the Pattani people were forced to change their Malay names to Siamese ones, and the Thai government discarded Malay language and culture out of the school system. This action of the Siamese government resulted in the uprising of the Pattani people against Siam since 1910 until today (Nik Anuar, 2009, p.6; McCargo, 2014, p. 3). From the perspective of delineation, the negotiation between the British and Siam brought about re-delineation that was determined based on the Boundary Protocol as follows:

The border between the territory of His Highness King of Siam and the territory owned by His Highness has been transferred to His Highness King of England and Ireland through the present agreement as follows; Starting from the northern edge of the estuary of Sungai Perlis that juts out to the sea and from there travel through the hill range that appears to be a ridge between the slope of Sungai Perlis and the slope of Sungai Pujoh; then trace the ridge that was formed by the hill range until it reaches the main ridge or a line that demarcates between rivers that flow into the Bay of Siam at one end and into the Indian Ocean

from the other end; the main range runs into the upstream of Sungai Pattani, Sungai Telubin and Sungai Perak until the upstream of Sungai Pergau; and then from the main range that goes into the range that divides into Sungai Pergau and Sungai Telubin and continues until the hill called Bukit Jeli or the main upstream of Sungai Golok. From there, a border runs through Sungai Golok until a place called Kuala Tak Bai (Institut Terjemahan dan Buku Malaysia, 2013, p.54-56).

This re-delineation once again caused huge impact on the position of Kelantan-Pattani. The British agreement to hand the valleys of Sungai Pattani, Sungai Telubin and Sungai Tanjung Mas and the valley at the right edge or western edge of Sungai Golok over to Siam and the entire Sungai Perak and the valley left or eastern edge of Sungai Golok to the British had transformed parts of the Kelantan territory into Siam ownership and completely broke the political and cultural ties that for long had united Kelantan-Pattani Malays.

The change of this border caused frustration to Long Senik because Kelantan had lost several important territories north of Sungai Golok, such as Menara, Kuala Tabal, Pulau Che Him. Golok, Sungai Padi, Mundok, Kayu Kelat, Kampung Tanjung, Kampung Belawan, Layar, Elong, Becah Herong, Jakan, and Kubang Yu, that constituted an income earner of almost \$8000 per year. Apart from that, the Menara district was owned by Kelantan since the olden days with a population of 50,000 people, consisting of Malays of Patani, Ligor, Singgora, Reman, Teluban, Bendang Setar, Cahaya, and Bendelung who escaped from the Siamese rule. The loss of the Menara District was recorded by the Kelantan Dates Book as follows:

When Kelantan was under Siam, there were about 15,000 Siamese who lived in areas on the right side of Sungai Tabal. However, as a result of the "loyal letter" between the Siamese government and the British government, regarding the surrender of the states of Kelantan, Kedah and Terengganu, was not signed by the Siamese government, Sungai Tabal bordering on the land colonised by Siam and a district in Legeh under Siam were handed to Kelantan, i.e. the upstream of Kelantan, and a portion of the Reman territory under Siam to the state of Perak (Sa'ad Sukri, 1971, p.23-24).

However, the dissolution of Legeh enabled Kelantan to acquire the southern territory of the state, such as Jeli, Batu Melintang, Lakota, Legeh, Kemahang, Rantau Panjang, Bukit Kwong, Gunung Reng, Gemang, Bukit Bunga, Ayer Satan, Ayer Lanas, Batang Merbau, Bukit Panau, Jedok, Panglima Bayu, Lubok Bangor, dan Belimbing. This had completely transformed the geopolitical landscape of Kelantan compared to its previous status prior to the 1909 Anglo-Siam Treaty. The dissolution and absorption of South Legeh territory into Kelantan was mentioned by Nik Mohamed (1974) as such:

Certain amendments were later made by the British Government to draft treaty. The most notable, as far as Kelantan was concerned, related to the Boundary Protocol. Sir John Anderson, Governor of Straits Settlements and High Commissioner for the Federated Malay States objected to the proposed Kelantan-Legeh boundary. As a result, fresh arrangements were made with the Siamese Government for the per session of the lower part of Legeh including the headwater of the Pergau river (p.55).

As a result of the surrender of the Menara District to Siam, Long Senik wrote a protest letter to Sir John Anderson, stating that Western powers did not have the right to transfer Kelantan from Siam control

to that of the British without the approval of His Highness as the Kelantan Sultan. In that letter, Long Senik stated that on his own volition he concluded a treaty with the Siamese government in 1902. Since Siam had surrendered Kelantan to the British, that treaty and agreement were automatically void. Long Senik stated that the state was no longer under any powers, and that it was now an independent and sovereign state. His Highness then brought to the attention of Anderson the fact that the former understood that based on the British law, the British would not interfere in a Malay state without the consent of the ruler of the state concerned. Since the 1909 Anglo-Siamese Treaty did not get the consent of the Kelantan government beforehand, hence Kelantan did not intend to honour the condition of the treaty that required the state to receive a British adviser. In that letter, Long Senik also stated that although the 1909 Anglo-Siamese Treaty was achieved between Siam and Britain, negotiation between Kelantan and Britain had yet to be made. For as long as the British had not negotiated with the Kelantan government, the conditions in the 1909 Treaty were not valid to be applied on Kelantan itself.

Long Senik raised this issue to Anderson on 19th July 1909. In fact, His Highness had shown a map outlining the borders agreed upon between Kelantan and Siam before 1909 that was located at the south and northwest of Sungai Golok as agreed upon by Prince Darmong in 1904. This discussion also involved Raja Muda Kelantan, Long Zainal Abidin bin Tuan Kundor. Long Zainal Abidin bin Tuan Kundor, who was also “Raja of Tumpat”, stated that the Menara District, such as Jakang, Belawan, Sungai Padi, Sungai Elong, Layar and Kayu Kelat, constituted a part of the Tumpat Territory under his jurisdiction.

The protest by Long Senik and Long Zainal Abidin was rejected by Anderson who argued that the border demarcated by the British and Siam through the 1909 Anglo-Siamese Treaty could not be revised. In an endeavour to stifle resistance from Long Senik, Anderson resorted to various measures to coax His Highness. For example, the British had recognised him as the legitimate Sultan of Kelantan with the title of Muhammad IV and given a monthly allowance of \$2,000 including pension of \$4,800 a year. His Highness was later awarded honours of K.C.M.G. by the British government. Similarly, other dignitaries of the state had their allowances and pensions increased so that they would accept the presence of the British (Nik Haslinda, 2011, p.84).

Lately in their study, some researchers argued that the territories of Pattani, Yala and Narathiwat were part of the state of Kelantan that were controlled and surrendered illegally to Siam. The separation of these territories from Kelantan was a cruel action because it meant breaking relationships and family ties that existed among them. He stated that it was difficult to imagine how hurtful, sad and painful it had been for the Malays who were separated only because of the agreement reached by force between Siam and the British. He also explained that the decision to disentangle Pattani from the rest of the Malay states in the Peninsula was like putting the fate of Patani “at a gun point”, thereby making Pattani to be owned completely by Siam or Thailand. Until today, the people of Patani rejected that decision and have been staging never-ending resistance (Mohd Noor Yazid 2014; Ahmad Amir, 2008; Lutfee, 2013; Lamey, 2013).

Establishing Sungai Golok as the border of Kelantan-Siam constitutes “a thorn in the flesh” that was deliberately concocted by the British and continues to jeopardise Malaysia-Thailand relations until today. The confirmation of Sungai Golok as the border is rather strange, given that Sungai Golok has an estuary at Kuala Tak Bai (Siam territory) while its upstream is located in Bukit Jeli in Malaysia. In the Bukit Jeli area, the river concerned has two flows that have become a bone of contention between Malaysia and

Thailand until today. The Thai government claims that the Bukit Jeli area that sits in the middle of the river forks belongs to them, while the hills are located in Malaysia. The geographical position of Sungai Golok also poses a problem to both countries in terms of implementing laws, especially to resolve the issue of smuggling. Authorities of both countries, such as police, military, customs, and Anti-Smuggling Unit, often face problems of carrying out laws, given the problematic border until today.

7. Conclusion

The 1909 Anglo-Siamese Treaty or the Bangkok Treaty of 1909 constitutes a “conspiracy” at the international level that was initiated by local imperialistic power and the West so as to divide the Malay states in Malaya based on imperialistic interests. The conditions of the treaty can be likened to “wounds” that have left immense implications or impact upon people in the Malay states, particularly Pattani and Kelantan. This is because the agreement had brought about serious implications to Kelantan compared to other Malay states, such as Kedah, Perlis and Terengganu.

The impact can be seen from the issue of re-delineation of Kelantan-Siam that was stipulated in the treaty. The details found in the treaty were a disaster for the politics, economy and social aspect of Kelantan, which is akin to getting out of crocodile mouth into the mouth of a tiger – i.e. from Siamese colonization to British colonization. At one go, the treaty had completely changed the geopolitical landscape of Kelantan, particularly the area bordering Siam. The bordering area that was determined should have taken into consideration the right and political sovereignty of Pattani and Kelantan. However, Pattani was excluded in the treaty so that it would be included as part of Siam or Thailand. This was done without taking into consideration the approval and fate of the Pattani people who are part of the Malayan state. As a result, Pattani continues to resist Bangkok administration that has witnessed bloodshed in “Southern Thai” until today.

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