

Surviving Great Powers: Kedah and the Practice of Sovereignty under International Law*

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This essay discusses centuries of resistance of the Kingdom of Kedah against foreign intervention, surviving regional and global powers. Drawing from historical practice, the article argues that Kedah traditionally fulfilled the core requirements for recognition as a sovereign state under international law, including defined territory, permanent population, effective governance and the capacity to conduct external relations. This article concludes that Kedah was in fact a sovereign nation before it was occupied following military aggression by Siam in 1821 and later

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placed under British protection in 1909. Departing from conventional colonial historiography, the article re-examines Kedah's past through the perspectives and political experiences of the indigenous polity rather than through British imperial narratives. Kedah's ability, over several centuries, to avoid permanent annexation despite sustained pressure from neighbouring powers constitutes a notable case of small-polity survival and sovereignty agency that warrants re-examination within the framework of international legal history.

Keywords

Sovereignty, Suzerainty Kedah, British and Siamese Intervention, Occupation, International Law

1. Introduction

The Sultanate of Kedah is Malaysia's longest ruling dynasty and one of the oldest monarchies in Southeast Asia. It was established in the year 630 AD as a Hindu kingdom.¹ Kedah was a relatively influential kingdom, encompassing areas beyond the modern-day territory of the Malaysian state of Kedah to include other parts within the Malay World.² Kedah was a prosperous port kingdom, and ancient Tamil accounts described it as "the seat of all felicities."³ Archaeological remnants of Kedah can be seen in the temples sprawling across Lembah Bujang, some dating back to the sixth-century AD.⁴ In 1136, the kingdom formally adopted Islam and became a Muslim sultanate. It survived multiple invasions and subjugations from the stronger neighbours - namely, Aceh, Siam and Burma.⁵ The subsequent arrival of the British in the eighteenth century drastically altered the fate of Kedah.⁶

By the mid-eighteenth century AD, Kedah was under constant threat, sandwiched between the two hostile regional powers of Burma and Siam.⁷ Both

1 Norashikin Salleh, *Reflections on the Contributions of the Palace, the Sultanate Palace and the Kings of the Archipelago*, 660 Adv. Soc. Sci. 486-99 (2022).

2 Ma Mar & Pham Trang, *Malay Minorities in the Tenasserim Coast*, 4(1) ASEAN J. CMTY. ENGAGEMENT 259-78 (2020).

3 John Miksic, *Srivijaya*, in *THE OXFORD WORLD HISTORY OF EMPIRE 401-29* (Peter Bang et. al. eds., 2021).

4 Stephen Murphy, *Revisiting the Bujang Valley: A Southeast Asian Entrepôt Complex on the Maritime Trade Route*, 28(2) J. ROYAL ASIATIC SOC'Y 355-89 (2018).

5 Hasim Saari et al., *Tragedy in the Kedah-Siam War, 1821-1842: A Historical Analysis* [Tragedi Dalam Perang Kedah-Siam, 1821-1842: Suatu Sorotan Sejarah], 1 MALAY. & INT'L HIST. REV. 64-79 (2019), <https://myjurnal.mohe.gov.my/public/article-view.php?id=143311>.

6 Mohd Rusli & Fareed Hassan, *The Invalidity of the Penang Treaty?*, MALAYSIKINI (June 30, 2020), <https://www.malaysiakini.com/columns/532380>.

7 Mohamad Noor, *The Relationship Between the Kedah Sultanate and Siam* [Hubungan Kesultanan Kedah Dengan

were equally aggressive, threatening the survival of the Kedah Sultanate.⁸ During the reign of Sultan Abdullah Mukarram Shah, Kedah started to despatch bunga mas to the King of Siam in Bangkok.⁹ Siam saw this as an acknowledgement of its overlordship of Kedah.¹⁰ This practice started in 1781.¹¹ A divergent argument claimed that the sending of bunga mas was simply a sign of friendship, goodwill and cordial relations between the two sovereign kingdoms and in no way compromised the sovereignty of Kedah.¹²

This practice was also extended to other Malay states such as Perlis, Kelantan and Terengganu.¹³ The exchange of gifts was mutual. In return for the bunga mas, Siam would reciprocate with gifts of equal value to those offered by the Malay states.¹⁴ The reciprocal gifts bestowed on Kedah by Siam were grandiose.¹⁵ For instance, the Siamese King presented a unique songkok with feathers of birds of paradise to Sultan Abdul Hamid Halim Shah in 1895.¹⁶

The primary purpose of this research is to reassess the historical position of the Sultanate of Kedah from a perspective of international law, with particular emphasis on the distinction between sovereignty and suzerainty. It questions the common view that Kedah was a subordinate polity and then considers whether

Siam], in KEDAH SULTANATE SEMINAR ORGANISED BY THE KEDAH STATE GOVERNMENT AND THE KEDAH STATE MUSEUM, DARUL AMAN [Seminar Kesultanan Negeri Kedah Anjuran Kerajaan Negeri Kedah dan Muzium Negeri Kedah Darul Aman] (2013), https://www.academia.edu/4327400/HUBUNGAN_KESULTANAN_KEDAH_DENGAN_SIAM.

- 8 Mohd Roslan, *Kedah in the Konbaung–Chakri Wars* [Kedah Di Kancan Peperangan Konbaung Dan Chakri], 8(2) INT'L J. MALAY WORLD CIVILISATION 79-86 (2020).
- 9 Mohd Rusli, *Should Penang Be Returned to Kedah?* [Wajarkah Pulau Pinang Dikembalikan Kepada Kedah], MSTAR ONLINE (Feb. 26, 2015), <https://www.mstar.com.my/lokal/semasa/2015/02/26/pp-kembali-kepada-kedah>.
- 10 Nurukhasanah Agost, *Bunga Mas’: Historic Kedah Malay Artefact Replica Exhibited in Singapore* [‘Bunga Mas’—Replika Bersejarah Artifak Melayu Kedah Ini Dipamer Di S’pura], MEDIACORP (Feb. 27, 2020), <https://berita.mediacorp.sg/gaya-hidup/bunga-mas-replika-bersejarah-artifak-melayu-kedah-ini-dipamer-di-125441>.
- 11 Rusli & Hassan, *supra* note 6.
- 12 Nor Sukri, *The History of Bunga Emas and the Arrival of Islam in Kedah: A Comparative Study of At-Tarikh Salasilah Negeri Kedah and Hikayat Merong Mahawangsa* [Sejarah Bunga Emas Dan Kedatangan Islam Ke Kedah: Kajian Perbandingan Terhadap At-Tarikh Salasilah Negeri Kedah Dan Hikayat Merong Mahawangsa], 33 J. CTR. LANGUAGE ENRICHMENT [MANU- Jurnal Pusat Pengayaan Bahasa] 21-44 (2022).
- 13 Salmah Muhammad, *Gift Exchange as a Catalyst for Sustaining Diplomatic Relations during the Malay Sultanate Era* [Bingkisan Hadiah Pencetus Keberlangsungan Hubungan Diplomatik Pada Zaman Kesultanan Melayu], 2(1) INT'L J. MALAY WORLD CIVILISATION 92 (2014).
- 14 Kevin Conlon, *Ethnic Violence in Southern Thailand: The Anomaly of Satun 30-1* (M.A. thesis, Naval Postgraduate School, 2012), <https://hdl.handle.net/10945/7323>.
- 15 FRANK SWETTENHAM, MAP TO ILLUSTRATE THE SIAMESE QUESTION 16-7 (1893), <https://quod.lib.umich.edu/g/genpub/APF3019.0001.001?rgn=main;view=toc>.
- 16 Siti Liyana, *Songkok Adorned with Bird-of-Paradise Feathers, a Gift from Siam to the Sultan of Kedah, Becomes an Attraction* [Songkok Bulu Burung Cenderawasih Hadiah Siam Buat Sultan Kedah Jadi Tarikan], KOSMO (Feb. 11, 2023), <https://www.kosmo.com.my/2023/11/02/songkok-bulu-burung-cenderawasih-hadiah-siam-buat-sultan-kedah-jadi-tarikan>.

its relations with regional powers, especially Siam, reflected strategic diplomacy rather than any genuine loss of sovereignty. Despite numerous attempts by stronger neighbouring powers to subjugate it, Kedah endured as a political entity, raising important questions about the nature and resilience of its sovereignty.

This essay is structured in six parts including Introduction and Conclusion. Part two will outline the historical background of Kedah and its interactions with neighbouring powers. Part three will examine the concepts of sovereignty and suzerainty in international law as a framework for analysis. Part four will apply this framework to Kedah's relationship with Siam, including the practice of bunga mas and its legal significance. Part five will discuss Siamese legitimacy over Kedah under international law practices. The paper concludes by arguing that Kedah retained its sovereignty throughout, and that its experience offers a useful example of how smaller polities navigated great power pressure without surrendering their legal identity.

2. Was Kedah a Sovereign State under International Law?

The Montevideo Convention of the Rights and Duties of States 1933 dictates that only sovereign states have the capacity to enter into a treaty with another sovereign.¹⁷ This, however, does not include vassal states or colonies.¹⁸ International law has prescribed several of requirements for a political entity to be considered a state. First, the political entity must possess a defined territory. Second, it must have a permanent population that resides within its territory. Third, the territory must be administered by a working government. Finally, the ruler of such a territory must be able to enter into diplomatic relations or treaties with foreign governments.¹⁹

Kedah has been in existence since the seventh century AD and it has undergone several transformations. In the eighteenth century, Kedah survived as a ruling sultanate. Administered by a sultan assisted by a few governors,²⁰ it

17 Chike Okosa, *Statehood Theory: Current Scholarship on the Various Theories of Statehood in International Law*, 1(1) NILE U. L. J. 107-28 (2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4157829.

18 Mohd Rusli, *The Cessation of Penang: Was Kedah a Sovereign State?*, MALAYSIAKINI (Nov. 3, 2021), <https://www.malaysiakini.com/letters/597839>.

19 Okosa, *supra* note 17.

20 Mior Hamzah, *The Kedah Sultanate: A Brief Introduction to Its Territory and Neighbours* [Kesultanan Kedah: Satu Pengenalalan Ringkas Wilayah Dan Jiran-Jirannya], 7 JATI 117-35 (2002), <https://jummecc.um.edu.my/index.php/jati/article/view/6598>.

possessed territories of what is modern Kedah today, including the provinces of Perlis and Satun, Thailand.

Figure 1: The 1911 Map of Kedah When It Came Under British Protection



Source: National Archives of Singapore, adapted and digitally enhanced using generative AI

Kedah had a permanent population loyal to the sultan. In addition to Siam, Kedah maintained relations with several regional kingdoms including the Malay Sultanates of Perak, Johor and Aceh, Burma under the Konbaung Dynasty, and European powers such as the Portuguese, the Dutch and later the British.²¹

Over the course of the 19th century, the Sultan of Kedah maintained absolute control over the economic resources of Kedah.²² (Ahmat, 1970, pp. 1-24). While other Malay states like Perak and Selangor were suffering from

21 Haslindawati Saari, *The External Relations of the Kedah Malay Sultanate Through Royal Correspondence [Hubungan Luar Kesultanan Melayu Kedah Melalui Surat Raja-Raja, 1882–1911]*, in SEMINAR INSTITUSI RAJA DALAM MANUSKRIP MELAYU (SIRAJ 4) (2016), <https://melayu.library.uitm.edu.my/158>.

22 Sharom Ahmat, *Kedah–Siam Relations*, 59 J. SIAM SOC. 97-117 (1957), https://thesiamsociety.org/wp-content/uploads/1971/03/JSS_059_1g_SharonAhmat_KedahSiamRelations.pdf.

political instability and general chaos as the chieftains were warring against one another over natural resources, Kedah represented a refreshing change. The then Governor of the Straits Settlement, Sir Frederick Dickson noted in 1890 “Kedah stands out conspicuously above all the other states of the peninsula...in all the signs of successful and intelligent administration...”²³ This shows that Kedah was, in substance and in law, an independent sovereign state meeting all criteria of statehood.

3. The Kedah–British Treaties and the Question of Sovereignty

The threats coming from Siam prompted the sultan to initiate a bold move.²⁴ Unwilling to undergo the same fate as the Pattani Sultanate, which was ravaged and dismantled by Siam in 1786,²⁵ Kedah began seeking diplomatic assistance from the British.²⁶ If cordial and friendly relations could be established with the British, Kedah could secure itself against unwarranted external threats. In 1800, a new treaty was signed between the British and the sultan, indicating formal cession of Prai, a strip of hinterland across the Penang Strait.²⁷ This cession of territory was made in return for an annual payment of 10,000 Spanish dollars to the Sultan of Kedah.²⁸ There have been arguments that Penang was part of the Siamese kingdom when it was taken over by the British in 1786.²⁹ If it is true, Siam ironically chose not to react aggressively when Penang was taken over by British troops in 1786. Conversely, Kedah sent troops to reinstate its sovereignty over Penang in 1791,³⁰ although this effort ultimately proved vain. Siam did not do much when the Sultan of Kedah, a decade later, ceded Prai to the British

23 Sharom Ahmat, *The Structure of the Economy of Kedah, 1879–1905*, 43(2) J. MALAY. BRANCH ROYAL ASIATIC SOC’Y 1-2 (1970).

24 Ahmad Merican & Abd Amin, *The 1786 Acquisition of Pulau Pinang: Unveiling the Light Letters, Revisiting Legal History Case Materials and R. Bonney’s Kedah 1771–1821*, 28(2) HUMAN. [Kemanusiaan] 189-212 (2021).

25 Che Yaacob, *Issues and Solutions: The Separatist Conflict in Southern Thailand* [Isu Dan Penyelesaian: Konflik Pemisah Di Selatan Thailand], 38(1) JEBAT-MALAY. J. HIST. POL. STRATEGY STUD. 13-34 (2011).

26 Letters from Sultan Abdullah Mukaram Shah, Ruler of Kedah 1778–1797, to Francis Light (1785–1794) (on file with Archives and Special Collections SOAS Library), <https://gtwhi.com.my/from-the-light-letters-collection>.

27 Md. Ghaus, *The Malay Political Movement in the State of Penang Before 1945* [Pergerakan Politik Melayu Negeri Pulau Pinang Sebelum 1945], 10 JEBAT-MALAYSIAN J. HIST. POL. STRATEGY STUD. 148-62 (1980).

28 Rusli, *supra* note 18.

29 Thamsook Numnonda, *The Anglo-Siamese Negotiations 1900–1909*, at 44-55, https://image.mfa.go.th/mfa/0/4OJCTby7gE/The_Anglo-Siamese_Negotiations_1900-1909.pdf.

30 Letters from Letters from Sultan Abdullah, *supra* note 26.

in 1800. Siam was known as a hostile power. If Penang and Prai were under Siamese authority, Siam would have been expected to take action to oust the British or contest the cession, especially since it was concluded without Siamese consultation, yet no formal protest was made.³¹

Both the 1791 and 1800 treaties were concluded between Kedah and the British, signifying British sovereignty over Penang and Prai. It clearly shows that the British acknowledged Kedah as a sovereign state, not just a vassal of Siam, when these treaties were entered into. Although Siam has always depicted itself as a suzerain of Kedah, Bangkok's inaction indicated acquiescence under international law, whereby Siam not only acknowledged British sovereignty over Penang and Prai, but also recognised Kedah as the rightful sovereign over these territories in the year 1800. As this treaty had lasting implications, Penang remains a state of its own within the Malaysian Federation today. Like the legal maxim *nemo dat quod non habet* (no one gives what he does not have), the sultan could not give away something that did not belong to him in the first place.

Cession arrangements were common to all kingdoms over the Malay Archipelago. For instance, the cession treaties of Singapore by the Johor Sultanate to the British in 1819 and 1824 were valid as Johor was an independent sovereign,³² a status it enjoyed until at least 1914.³³ The same applied *muttatis muttandis* to the cession of Sabah by the Sulu Sultanate to the British, as the Sultan of Sulu was the sovereign ruler of Sabah in 1878.³⁴ In addition, the British acquired Labuan via a treaty signed with the Sultan of Brunei in 1846.³⁵

These treaties are crucial in the creation of the modern territories of independent nations in Southeast Asia via the concept in international law of *uti possidetis juris*, which allows former colonies to inherit territories of their former colonial masters.³⁶ Article 26 of the VCLT, which is a restatement of customary international law applicable to all states mentions: "Treaties are to be upheld in

31 Nummonda, *supra* note 29, at 47-8.

32 National Library Board of Singapore, 1824 Treaty of Friendship and Alliance, <https://www.nlb.gov.sg/main/article-detail?cmsuuid=9590a69f-b3c8-4208-92bb-11f74934af6>.

33 Keith Sinclair, *The British Advance in Johore, 1885-1914*, 40(1) J. MALAY. BRANCH ROYAL ASIATIC SOC'Y 93-110 (1967), <https://www.jstor.org/stable/41491908>.

34 Grant by Sultan of Sulu of Territories and Lands on the Mainland of the Island of Borneo, 1878, <https://sagc.sabah.gov.my/sites/default/files/law/GrantBySultanOfSuluOfTerritoriesAndLandsOnTheMainlandOfTheIslandOfBorneo.pdf>.

35 Dg. Junaidah Jambol & Baszley Bee, *The 1865, 1877, and 1878 Treaties on the Cession of North Borneo: A Preliminary Comparative Analysis of Their Substantive Provisions* [Perjanjian Penyerahan Wilayah Utara Borneo 1865, 1877 Dan 1878: Tinjauan Awal Terhadap Perbandingan Intipati Perjanjian], 32 J. CTR. LANGUAGE ENRICHMENT [MANU- Jurnal Pusat Pengayaan Bahasa] 125-52 (2021).

36 Amin Nurdin et al., *The Unsettled Agreement of the 2019 Re-Demarcation of the Indonesia-Malaysia Boundary Line's Impact*, 2(9) INDON. J. MULTIDISC. SCI. 3058-69 (2023).

good faith.”

4. Siam’s Occupation of Kedah (1821–42)

Over time, Siam aimed to move beyond vassalage and bring Kedah under direct control, following the pattern applied to Pattani. Siam justified its invasion of Kedah mainly on the grounds of disloyalty by a vassal.³⁷ Kedah was accused of failing to fulfil its obligations to Siam, including the timely payment of tribute (such as bunga mas), of showing insufficient obedience and of maintaining contacts with Siam’s rivals, particularly Burma. From Siam’s perspective, these acts were framed as breaches of vassal loyalty that threatened Siam’s security on its southern frontier.³⁸

In practice, these allegations functioned more as pretexts than true motivations. The invasion reflected Siam’s broader aim to tighten control over Kedah, remove an independent sultan who could shift alliances and prevent the territory from falling under competing influence. Accusations of disloyalty thus provided a convenient legal and political justification for military action against a smaller polity whose autonomy Siam increasingly viewed as a risk rather than an asset.³⁹

In 1821, Kedah’s strong hold – Kuala Kedah Fort – was brutally invaded by Siam and the sultan had to flee to Penang and later seek refuge in Melaka.⁴⁰ Kedah was renamed ‘Syburi,’ annexed as part of Siam. Thousands of Kedahans were captured and brought to Bangkok as captives. The people of Kedah did not keep quiet when their motherland was illegally occupied by Siamese conquerors. With the help of other warriors coming from the Malay Archipelago, Kedah forces repeatedly fought Siamese conquerors in 1831 and 1838.⁴¹ The Malays were initially successful in ejecting Siam from their motherland and all liberated Malay lands all the way to Pattani.

Nevertheless, this military success proved temporary, as Siam re-established

37 Ahmat, *supra* note 22, at 97-117.

38 THONGCHAI WINICHAKUL, *SIAM MAPPED: A HISTORY OF THE GEO-BODY OF A NATION* 85-94 (1994).

39 Dr. Azmi Arifin, Interview (Jan. 8, 2026) (on file with the author). Associate Professor Dr. Azmi Bin Arifin is a senior lecturer in the History Section at the School of Humanities, Universiti Sains Malaysia (USM), Penang. He holds an MA in history from USM and a Ph.D. in history from Universiti Kebangsaan Malaysia, and his research interests include Malaysian political history, Malay historiography and the history of feudalism, revolution and nationalism. He is known for his contributions to scholarship on Malay political development and historical narratives. His academic profile can be accessed on the USM Experts portal: <https://experts.usm.my/cvtae/azmiarifin>.

40 Saari et al., *supra* note 5, at 64-79.

41 *Id.* at 69-70.

its presence in Kedah with decisive backing from British interests in the region.⁴² While the Malays were not able to fend off Siamese invasion,⁴³ the failure of the Malay rulers to repel the renewed Siamese advance should not be read as a total defeat. In the face of unequal and great-power alignments, the rulers of Kedah revised their strategy. Seeing that military resistance was no longer viable, they adopted diplomacy to safeguard their rule, territory and sovereignty.⁴⁴

The throne of Kedah was restored to the rightful sultan in 1842, not as a gesture of restraint by Siam, but as a consequence of the failure of Siam to entirely prevail, militarily and politically.⁴⁵ The restoration of the Sultan of Kedah in 1842 should be understood not as an act of restraint by Siam, but as the result of Siam's inability to impose a decisive military outcome, a failure that official narratives were reluctant to acknowledge because of the image of Siam as a great power.⁴⁶

The resort to diplomacy by Kedah should not be construed as acceptance of Siamese sovereignty.⁴⁷ Rather, it constituted a calculated strategy aimed at preserving sovereignty and internal autonomy and forestalling deeper territorial and institutional encroachment, particularly in light of the fate of neighbouring polities such as the Sultanates of Pattani and Singgora (Songkhla). Had Siam achieved a decisive victory, Kedah would likely have been fully annexed and incorporated into Siam, and would today form part of Thailand.

5. The Question of Siamese Legitimacy over Kedah under the Practices of International Law

The conclusion of the Anglo-Siamese Treaty 1909 marked a significant reconfiguration of British and Siamese relations in the northern Malay Peninsula. Through the Anglo-Siamese Treaty, Siam formally relinquished its claims of suzerainty over Kedah, Perlis, Kelantan and Terengganu, thereby recognising Britain as the dominant external power in these territories.⁴⁸ From the perspective of international diplomacy, the Anglo-Siamese Treaty settled a longstanding

42 R BONNEY, *KEDAH 1771–1821: THE SEARCH FOR SECURITY AND INDEPENDENCE* 156-68 (1971).

43 X.A. Wu, *Chinese Family Business Networks in the Making of a Malay State: Kedah and the Region c. 1882–1941*, 164-97 (Ph.D. thesis, Universiteit van Amsterdam, 1999) https://pure.uva.nl/ws/files/4001289/108979_UBA003000259_012.pdf.

44 Saari et al., *supra* note 5, at 64-79.

45 Rusli, *supra* note 18.

46 Ariffin Interview, *supra* note 39.

47 *Id.*

48 Azmi bin Ariffin et al., *The Effects of the Anglo-Siamese Treaty 1909 on Northern Malay States*, in 2ND INT'L CONF. HUMAN. PROC. 629-38 (2020), <https://www.europeanproceedings.com/article/10.15405/epsbs.2020.10.02.57>.

strategic rivalry between Britain and Siam by drawing clear spheres of influence and eliminating uncertainty over external control.⁴⁹ However, while this treaty resolved questions of external authority between imperial powers, it did not, and could not by itself, provide Britain with a lawful basis to administer Kedah internally.⁵⁰

From the perspective of modern international law, meanwhile, suzerainty cannot be equated with territorial sovereignty. It reflects a restricted and largely externalised form of authority, falling short of the comprehensive and exclusive control that characterises sovereign ownership of territory.⁵¹ Crucially, Kedah was not a party to the Anglo-Siamese Treaty.

The Anglo-Siamese Treaty of 1909 was negotiated and concluded exclusively between Britain and Siam, reflecting a classic great-power arrangement that disregarded the consent of the local polity. As such, the treaty could only operate to terminate external Siamese claims over Kedah;⁵² it could neither extinguish the sultan's internal sovereignty, nor confer administrative authority on Britain within Kedah.

In the absence of a bilateral agreement with the sultan, any attempt by Britain to intervene directly in Kedah's governance would have lacked legal legitimacy and would have risked being characterised as unlawful interference rather than recognised administration. This was premised on the reality that Siam's connection to Kedah did not amount to sovereignty, but was limited to a form of external suzerainty.⁵³

This legal gap explains the necessity of the Anglo-Kedah Treaty 1910, and later, the Kedah-British Supplementary Agreement 1923.⁵⁴ Both accords were concluded directly between Britain and the Sultan of Kedah and served to legitimise British involvement in the state's internal affairs. Through the 1910 treaty, Kedah formally accepted the appointment of a British Adviser whose

49 Muhammad Baharudin et al., *The Bangkok Treaty of 1909 as the Beginning to British Domination in the Northern Malay States: A Literature Review*, 13(7) INT'L J. ADVANCED RES. 845-51 (2025), https://www.journalijar.com/uploads/2025/07/689c2cc6701fb_IJAR-53045.pdf.

50 Noor Noor & Ahmad Rus, *Kedah After the 1923 Agreement: The Position of the Malays in Government Administration* [Kedah Pasca Perjanjian 1923: Kedudukan Orang Melayu Dalam Pentadbiran Kerajaan], 19(9) J. SEJ. 153-76 (2011).

51 Amanda Cheney, *Tibet Lost in Translation: Sovereignty, Suzerainty and International Order Transformation, 1904-1906*, 26(107) J. CONTEMP. CHINA 769-83 (2017).

52 Mohd Mokhtar, *The 1909 Anglo-Siamese Treaty: The Consolidation of British Imperialism and Its Implications for the Federated Malay States* [Perjanjian Anglo-Siam 1909: Penguatan Imperialisme British Dan Liabiliti Kepada Negeri-Negeri Melayu Bersekutu, 1909-1920], 91(3) AKADEMIKA 155-69 (2021).

53 Numnonda, *supra* note 29, at 45-55.

54 Noor & Rus, *supra* note 50.

advice was to be followed in all matters, except those relating to Islam and Malay custom.⁵⁵ Financial administration and governance were effectively placed under British supervision, while the sultan remained as the symbolic head of state. Unlike the Anglo-Siamese Treaty of 1909, which functioned as an inter-imperial settlement, the 1910 and 1923 Kedah-British arrangements operated as state-structuring instruments that reshaped Kedah's internal administration.⁵⁶

The necessity of the 1910 treaty is highly revealing from the standpoint of sovereignty. Had Siam possessed full territorial sovereignty over Kedah, it would have been legally capable of transferring that sovereignty to Britain in 1909 without further reference to the sultan. In such circumstances, no additional agreement with Kedah would have been required.⁵⁷

The fact that Britain nonetheless found it essential to secure the consent of the sultan in 1910 and 1923 demonstrates that Siam's authority over Kedah had never amounted to complete ownership of the territory. Rather, Siam exercised only a loose and inconsistent form of suzerainty, primarily in the external sphere, while internal sovereignty continued to reside with the Kedah monarchy. Accordingly, the relationship between the two treaties should be understood not as redundant but as sequential and complementary. The 1909 treaty effected a transfer of external recognition from Siam to Britain,⁵⁸ while the 1910 treaty provided the internal legal foundation for British administration.⁵⁹

Overall, Kedah was not conquered by force but was gradually constrained through treaties, reflecting the sultanate's continued legal existence and the limits of Siamese authority. Kedah therefore remained a sovereign polity, although its autonomy was reduced through consent-based arrangements rather than annexation. Notwithstanding their respective interventions, neither Britain nor Siam was able to extinguish the Kedah Sultanate as a continuing centre of effective governance. Kedah never lost its sultanate institution. It remained the core of political authority throughout successive periods of foreign involvement.

55 Haniff Ahamat & Nizamuddin Alias, *The Evolution of the Personality of the Malay Sultanate States*, in INTERNATIONAL LAW AND ISLAM: HISTORICAL EXPLORATIONS 249-76 (Ignacio Rasila & Ayesha Shahid eds., 2018).

56 Noor & Rus, *supra* note 50, at 153-8.

57 Wu, *supra* note 43, at 189-203.

58 Numnonda, *supra* note 29, at 45-55.

59 George Glos, *The Administrative Structure and Legal System of Malaya*, 25 J. FOREIGN PUB. L. & INT'L L. [Zeitschrift für ausländisches öffentliches Recht und Völkerrecht] 113 (1965).

6. Conclusion

The Kedah Sultanate possesses one of the world's oldest surviving dynasties. Throughout its long history, powerful kingdoms attempted to subjugate it through repeated conquests, yet Kedah endured despite centuries of external pressure. Founded in 1735, Alor Setar, the capital city of Kedah is older than other Western major cities such as Washington, D.C., Melbourne and Los Angeles.

Kedah fulfilled all requirements under international law for nationhood. Therefore, it is not too simplistic to state that Kedah was a sovereign nation. The sending of bunga mas to Siam was a gesture of friendship, accompanied by reciprocal gifts from Siam to Kedah of equal value.⁶⁰

If Kedah was under Siamese protection, Siam did not do much to assist Kedah to regain control over Penang when it was forcefully ceded to the British in 1791. A suzerain has the duty to protect its territorial integrity, which Siam in this case failed to do. Kedah, like any other independent nation, was left to fend for itself. Kedah also had to endure two decades of brutal Siamese occupation in 1821. It is a sign that Siam did not respect the territorial integrity of its neighbours. Siam prevailed in the immediate military sense by suppressing resistance in Kedah, with British non-intervention and indirect support playing an important role.⁶¹ Nevertheless, Malay bravery and persistence prevented total defeat, leading to continued instability and eventually to a negotiated restoration of the sultan in 1842 rather than permanent annexation.

Admiral Sherard Osborn, a British naval officer of the Royal Navy and author of the book *THE BLOCKADE OF KEDAH IN 1838: A MIDSHIPMAN'S EXPLOITS IN MALAYAN WATERS*, acknowledged the bravery and resilience of the Malays, observing:

Like spaniels, the natives of the whole sea-board of the Indian peninsula lick the hands that chastise them: not so the Orang-Malayan: we Englishmen should be the first to honour a race who will not basely submit to abuse or tyranny.⁶²

In some ways, this episode invites comparison with the current tensions involving Iran, the US and Israel. In both cases, stronger powers used force against a smaller state, placing its sovereignty under serious pressure. Although

60 Conlon, *supra* note 14, at 30-1.

61 Scott Connors, *Pirates, Potentates, and Merchant Petitioning in the Early Nineteenth Century Straits Settlements*, 267(1) *PAST & PRESENT* 103 (2025).

62 SHERARD OSBORNE, *THE BLOCKADE OF KEDAH IN 1838: A MIDSHIPMAN'S EXPLOITS IN MALAYAN WATERS* 278 (1837).

the historical and legal contexts are different, the comparison reflects a recurring reality in international relations where fundamental principles of international law, including respect for sovereignty and territorial integrity, are tested when stronger powers act against weaker states.

Today, Kedah forms an integral part of Malaysia and stands as a polity whose historical continuity spans almost 1,400 years. This longevity reflects not mere historical survival, but a sustained practice of sovereignty consistent with core principles of international law, including continuity of authority, effective governance and resistance to external domination.

This experience demonstrates that self-rule can endure even without military superiority, through political resilience and lawful adaptation. This remarkable sultanate sustained great-power pressure, thus offering an enduring lesson for Malaysia, which today navigates an international legal order shaped by strategic competition between major powers such as China, the US and Russia.

Within this environment, Malaysia has maintained constructive and friendly relations with all three major powers, echoing the historical practice of Kedah and affirming that sovereignty under international law is preserved not through force or alignment alone, but through perseverance, resilience and principled engagement with power.

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