

## **Revisiting the formation of Malaysia: The contestation over equal partnership of the Bornean states**

### **ABSTRACT**

This paper re-evaluates the contestation over the equal partnership of the Bornean states of Sabah and Sarawak in the historical process of the formation of Malaysia and their constitutional status in the Federation of Malaysia in relation to the Malaysia Agreement of 1963 (MA63). This contestation refers to the demand from Sabahan and Sarawakian parties for the restoration of equal status/partnership of the two states with the Federation of Malaya as purportedly enshrined in the MA63. They claim that this status of equality was written into Article 1(2) of the Malaysian Constitution of 1963 but it was amended in 1976 whereby Sabah and Sarawak were relegated to the position of the 12th and 13th states of Malaysia. However, this paper aims to redefine the polemics based on the premise that the position of the four member states as equal partners was not enshrined in the MA63 signed by the United Kingdom, the Federation of Malaya, North Borneo, Sarawak and Singapore in London on 9 July, 1963. Instead, all the member states would be merged into one sovereign state, and not a union of several equal sovereign states. Accordingly, the Malaysian Constitution of 1963 clearly stipulated the position of Sabah and Sarawak as two states with additional autonomous rights and constitutional safeguards in the Federation of Malaysia. In fact, such status quo is also stipulated in the Cobbold and IGC reports. This finding is conducted based on content analysis on the 1963 Federal Constitution, MA63 and other relevant historical documents.