

## THE CASE FOR THE WEARING OF THE PINGAT JASA MALAYSIA (PJM)

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### Introduction

“The Pingat Jasa Malaysia (PJM) is a commemorative medal which the Government of Malaysia would like to award to eligible British citizens, for their service in Malaya or Malaysia between 31 August 1957 and 12 August 1966” (The Minister for Trade, Investment and Foreign Affairs, Mr Ian Pearson, Ministerial Written Statement, 31<sup>st</sup> January 2006).

The Citation that accompanies the medals states:

*“This medal is awarded to the peacekeeping groups amongst the Communion countries for distinguished chivalry, gallantry, sacrifice or loyalty in upholding Peninsula of Malaya or Malaysia sovereignty during the period of Emergency and Confrontation.”*

The Ministerial Statement promulgated the news that, alone in the Commonwealth, British veterans would not be allowed to proudly wear their PJM. The Statement consigned their medal to the category of a keepsake or, as it has been called, a trinket.

### Responsibility of the Foreign Secretary for the PJM

*It should be noted that the PJM is a Foreign Decoration. As such, it is administered by the Foreign and Commonwealth Office who are the lead Department.*

The MoD does not have responsibility for the medal, its recommendation or its administration.

The Foreign Secretary has the Royal Prerogative in respect of Foreign (including Commonwealth) medals and only the Foreign Secretary can encourage members of the HD Committee to amend their recommendation.

### Summary of Points of Contention

The main point of contention behind the PJM issue which is at the root of the British veteran’s sense of injustice is the inconsistent and retrospective way in which “rules” concerning the acceptance and wearing of medals have been applied. The initial rules that were used to prevent British Veterans from wearing the PJM were the 5 year rule and the double medalling rule. The former asserted that no medal could be sanctioned for wear for events that took place more than 5 years in the past. This clearly applies in general terms to *Campaign* medals where it can be held that today’s commanders cannot make a balanced judgement on decisions made by their predecessors.

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The PJM does not come into that category being a Commemorative medal and therefore by definition can only apply to events in the past.

The double medal rule precludes the wearing of more than one medal for the same event/campaign. We have provided proof of over 40 instances where this rule has been set aside, most recently in the Korean War, and also in the granting of unrestricted acceptance for the Russian 40th Anniversary medal, which required that recipients must have qualified for at least one British medal for service in WWII. Interestingly the original offer from the Russians was rejected, only for the rejection to be overturned when conditions in the former USSR changed to make Russia a “more friendly state”. Clearly politics played a part in that decision. Malaysia is a friendly nation and a member of the Commonwealth, so why is there a less than even-handed approach here?

It was recognized in the 1960's that the rules were ambiguous and confused and so after extensive discussions under the premiership of Harold Wilson, an announcement was made that swept away the need for each foreign medal to be subjected to intensive debate on its merits for being worn. This resulted in an announcement in the London Gazette of May 1968, which clearly stated that such medals, where they are authorised for acceptance by Her Majesty, would be permitted formally to be worn without further debate. We have been unable to find any evidence that this announcement has been rescinded.

We have been told, however, that the rules were “clarified” in 1969 and that it was these that were invoked initially to prevent British Borneo Veterans from wearing the PJM once its acceptance had been authorized by Her Majesty. It has been stated that it is the clause that deals with “servants of the Crown” being outside of the remit of the LG announcement that precluded the PJM for getting unrestricted acceptance. This we hold to be an incorrect interpretation of the case as very few, if any, of those who qualify for the PJM are servants of the Crown. It is interesting to note that the wording of both the LG announcement and the 1969 rules refer to servants of the Crown in the present tense, i.e. “who are servants of the Crown”. At the time the PJM was offered to the British Veterans their status was that they “had been servants of the Crown”. The PJM did not exist before 2004 and so invoking this condition was wrong. Furthermore, very few of those who qualify for the PJM are even in receipt of a service pension for the period of their Borneo service, which makes the assertion that they can still be regarded as servants of the Crown somewhat disingenuous.

We have been told that the 1969 rules were revamped in 2005 to allow the PJM to be accepted (but not worn). But the PJM was first offered to the British in 2004 (some say February 2005 when the Malaysians were asked to withdraw their offer and resubmit it later – which they did in March), which means that the rules were amended and then applied retrospectively.

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Support for our cause has come from across the party divide. The Rt. Hon Ian Pearson, who made the statement to the House in 2006 in which we were told that the medal could be accepted but not formally worn, has now publicly stated that the statement was “nonsense” and that he now supports our cause. The Rt. Hon Lord Healey, who was Defence Secretary at the time of the Borneo Confrontation and who was therefore a member of the Wilson Cabinet at the time of the LG announcement, supports our call for unrestricted acceptance. The general public cannot see any just reason why such permission should be withheld. At a time when the treatment of our serving soldiers is high on the agenda, it is perhaps indicative of Whitehall’s attitude towards Service personnel when they can treat Veterans with such disdain. We must not forget that today’s soldier is tomorrow’s Veteran. This image has not been improved by some members of the Civil Service who have variously described us as “disaffected Veterans” and of making “vexatious” requests for information under the Freedom of Information Act.

The granting of unrestricted acceptance of the PJM will cost the British taxpayer nothing. The processing of applications is being done by a Veteran’s Association at their own expense and medal presentations are being organized and funded by local, and often private, organisations. The medals themselves are being funded by a grateful Malaysian nation. Putting right this dreadful anomaly is a simple operation of common sense. Doing so will go a long way towards restoring the sense of justice and loyalty that inspired the Veterans half a century ago.

### **The Campaign by British Veterans seeking Permission to Wear the PJM.**

35,000 British veterans of the Malaysian campaigns between 1957 and 1966 are seeking the support of MPs in order to have an injustice reversed. The injustice is incorporated in a Ministerial Statement made to the Commons on the 31<sup>st</sup> January 2006 by Ian Pearson (then an FCO Minister – NB: he has now changed his view and supports the veteran’s case calling the civil servant’s case a ‘nonsense’). The veteran’s case is that:

- ❗ It is incongruous that two spurious ‘rules’ should be first waived so that British veterans could receive the PJM and then immediately invoked to stop them wearing it. That recommendation was confused and mean-spirited and not supportive of our forces and certainly displays a degree of contempt for British veterans.
- ❗ The 5-Year rule has been inconsistently applied to the PJM.
- ❗ The Double Medal rule was brought into Foreign Decorations rules retrospectively to shore up the unconvincing 5-year rule.

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- ‡ The PJM is quite different in its scope to any British medal and does not ‘double’. The PJM has different connotations in what it recognises, and is awarded on quite different criteria both as to time and type of service.
- ‡ The attempt to apply this double medal rule to the PJM is particularly unpleasant for British veterans because the majority *do not have any other form of medallie recognition. They do not have a British medal.*
- ‡ The waiving and then invoking of the two ‘rules’ in the PJM recommendation is personally hurtful to the widows and families of those who have died.

### DIY Medal Applications and Distribution

Following the incongruous PJM recommendation, the MoD and FCO immediately distanced themselves from the application process and the distribution of the medal to veterans.

*As a result, veterans have had to do all the work, and meet all the costs, of distributing application forms, dealing with queries, and verifying thousands of applications. They have also worked closely with the Malaysian High Commission to help distribute the medal as quickly as possible.*

It is appalling that having sent these men and women to lay their lives on the line in the service of peace and the stability of the region, this country has turned its back on those loyal people and has made them do the work and pay the costs of receiving a medal that they are not even allowed to wear!

### The Two ‘Rules’

The two rules waived and then invoked to deny only the British veterans the right to wear their PJM are:

- ‡ The 5-year Rule – under which awards are not considered in respect of events that took place more than five years ago, and
- ‡ The Double Medal Rule – under which awards will not be considered if the recipient already has a British medal for the same service.

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As explained below, these Rules are consistently applied inconsistently and there are over 40 examples where they have not been applied and medals that break the rules have been given Unrestricted Approval for wear.

These rules were built into the November 2005 version of the “Rules Governing the Accepting and Wearing of Foreign Orders, Decorations and Medals by Citizens of the United Kingdom and Her Overseas Territories”. However, at the time the Malaysians offered the PJM in 2004 and early 2005, the rules in the Commons Library (the accepted definition of the prevailing rules), were the “Regulations concerning the Acceptance and Wearing by Persons in the Service of the Crown of Orders Decorations and Medals conferred by Heads or Governments of Foreign States and by Members of the Commonwealth Overseas of which The Queen is not the Head of State. Parts A and B”. These regulations did not refer to a double medal rule.

### **The Committee on the Grant of Honours, Decorations and Medals**

Also known as the HD Committee, it consists of eight people with onerous responsibilities outside their Honours work (except the Ceremonial Officer):

Private Secretary to The Sovereign  
Defence Services Secretary  
Permanent under Secretary Foreign and Commonwealth Office  
Secretary of the Central Chancery of the Orders of Knighthood  
Appointments Secretary to the Prime Minister  
Permanent Secretary, Ministry of Defence  
Permanent Secretary, Home Office  
Ceremonial Officer of the Cabinet Office (Secretary)

This Committee seldom meets to thrash out inconsistencies or submissions. They never even bothered to meet to discuss the fate of 35,000 British veterans – it was all done by notes and emails. Their information is fed to them by civil servants in the three main departments of the MoD, FCO and Cabinet Office and they seldom, if ever, question the recommendations they receive.

The HD Committee has been referred to as an independent expert committee.

- ‡ They work in secret under cover of Honours in Confidence.
- ‡ They do not have a lay Chair as other Honours Committees do.
- ‡ They make up their own rules.

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- ‡ They apply their own rules, and in the case of the PJM, retrospectively.
- ‡ They police themselves when they are questioned.

They are neither independent nor expert:. They very seldom meet and did not meet to discuss the PJM. They are briefed by civil servants.

### The 5-Year Rule

The decisions of the HD Committee are seen as etched in granite and seldom questioned when they should be. In 2002 in connection with the Suez Medal, it was discovered that a mistake had been made in the interpretation of the 5-year rule. But the medal was still resisted (but eventually awarded when the truth emerged). At that time (21 May 2002 Hansard Col 48WH) the MP Mr Bob Blizzard (Waveney) said:

“We are told that the committee now has a policy of no retrospection and that that is an iron rule. Who made that policy? No one seems to know. Did the committee make the policy? In a matter of such import, should such a committee be making its own policy in a modern democracy? Who sets the policies for the HD committee? To whom is the committee accountable? The House of Commons Library said:

*"There appears to be no legal impediment to the retrospective creation of a campaign medal or the addition of a particular bar to an award."*

“Does the HD committee stand above the law? Even criminal justice cases can be reopened as we have recently seen. Both Australia and Canada have created retrospective awards for prescribed operations between 1945 and 1975. I have said that the matter seems to be locked in procedure; in fact, it seems to be locked in arcane procedure.

“The Library said that:

*"this process was not necessarily logical and is sometimes bureaucratic."*

“It has been claimed that there is a five-year rule beyond which retrospection cannot occur. It was said that King George VI decided that rule, although it has now been conceded that there is no proof that he did. Indeed, an HD committee official admitted in a letter last year that

*"we do not have any record of the Committee's initial formal agreement to operate this rule".*

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In summary, the 5-Year Rule has always been applied inconsistently – even those who have administered this rule have themselves called it “arbitrary”. Books explain that this rule

- ❗ Has been invoked to deny ordinary men and women the right to wear an honour as in the case of the PJM.
  
- ❗ Has been waived to meet the political imperative as in the case of the Malta 50<sup>th</sup> Anniversary and the Russian 40<sup>th</sup> Anniversary medal – both medals have been approved for wear.

The 5-year Rule has been traditionally used in respect of British campaign medals, not Foreign Commemorative medals which by their very nature are likely to be considered long after the events concerned as in the case of the Antigua & Barbuda 25<sup>th</sup> Anniversary Medal now worn by a member of the HD Committee and by Committee members’ secretaries.

Even though the reason they give is that the Antigua medal falls within Realm rules as opposed to Foreign rules, such awards are still galling for the British veterans that this country sent to the other side of the world, many as conscripts, to place their lives on the line.

Finally, there is a long list of medals that break or potentially break this rule. Already mentioned are:

- ❗ The Russian “40th Anniversary of the end of the Great Patriotic War Medal” – awarded Unrestricted Approval for wear in 1995 when the HD Committee recognised Russia as having become politically correct after the breakup of the USSR. The Russian medal was also an enforced double medal because you had to have a British WW2 medal to qualify!
  
- ❗ The Malta “GC 50th Anniversary of the end of the War Medal” – awarded Unrestricted Approval for wear in 1992 when Malta made a fuss and it was also known that Malta was the favourite holiday destination for the Queen. The Malta medal was also an enforced double medal because you had to have the British Africa Star to qualify!

There are many more including the Suez Canal Zone medal and the British Accumulated Campaign Service Medal that acknowledges service going back to 1969.

### **The Double Medal Rule**

The Double Medal rule is equally spurious when applied to the PJM.

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‡ The double medal rule was not brought into Foreign Decorations Rules until November 2005 and applied retrospectively – a year after the PJM was first offered to Commonwealth forces.

‡ *NB: Most British veterans who are eligible for the PJM do not have a British medal to double!*

The Russian and Malta Medals are enforced double medals. Veterans have a list of no less than 42 other medals that are actual or potential double medals that include the following where both medals have Unrestricted Approval for wear side by side, for example the British Korean War Medal and UN Korean War Medal.

### **Veterans have only ever requested a fair and even-handed hearing**

For two years British veterans have asked British Government to look into our case (not just into the case put up by the civil servants who prime the HD Committee) - the case that British veterans should have the same right to wear their medal that The Queen has approved for their Commonwealth ex-comrades in arms.

‡ **British veterans have been rewarded only with obfuscation.** They have been branded as “disaffected Veterans” by the Ministry of Defence Veterans Agency on the MoD web site. The Cabinet Office say British veterans should be grateful for what the civil servants have done for them! The Foreign Office says nothing - we have been told that our requests for information under the Freedom of Information Act will not be answered. What are they hiding?

### **We have support for our case from around the world**

‡ Support for British veterans in 30 countries where the British PJM decision has been met with utter disbelief.

### **The vast majority of MP’s across the parties support us.**

Most important of all to British veterans is the cross-party support we have from MP’s There have been no less than 5 EDMs tabled in support of the PJM:



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Jeffery Donaldson's EDM No. 107 of 15/05/2005	67 signatures
David Mundell's EDM No. 889 of 28/10/2005	46 signatures
Mike Weir's EDM No. 893 of 28/10/2005	31 signatures

### **And support grew following the January 2006 Ministerial Statement, led by the Rt. Hon Don Touhig:**

Don Touhig's EDM No. 356 of 29/11/2006	<b>an incredible</b>	<b>176 signatures</b>
Michael Mates' EDM No. 375 of 30/11/2006		78 signatures

In all, 219 individual MPs have signed up to EDMs supporting our case for British veterans to be allowed to wear the PJM. But still the HD Committee is advised not to budge by the civil servants who seem to treat the matter as a macho game to be won at all costs.

❗ *Crucially, the Rt. Hon Ian Pearson MP, the Foreign Office Minister who filed the original PJM Statement in January 2006 now admits that that Statement was flawed and incongruous (he calls the civil service case a “nonsense”) and has pledged his active support for our campaign.*

In an email to a veteran, a message from Ian Pearson reads

‘He [Ian Pearson] says that he hopes everyone who has been awarded the PJM wears it with pride on Remembrance Day and that he will still press personally, for the official nonsense to be sorted out as soon as possible.’

Furthermore, the Conservative Party is committed to a review of the inconsistent and incongruous Foreign Decorations Rules.

Veterans have overwhelming support in the Scottish Parliament.

### **Resolutions calling for the PJM decision to be reversed – Royal British Legion et al**

Resolutions calling for the PJM decision to be reversed and for their associations to actively campaign for the PJM to be worn were passed unanimously this year by the Royal British Legion, the Royal Naval Association and the Royal British Legion (Scotland). It is unusual for such resolutions to be carried unanimously – no ‘Nays’, no ‘Abstentions’.

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### BRITISH VETERANS - WHAT THEY ARE CAMPAIGNING FOR

**FOR the Government's acknowledgement** that ex-servicemen and women, British private citizens, can wear their PJM along with the rest of the Commonwealth.

‡ *Civil servants are trying to impose antiquated and conflicting 'rules', which they confirm have no legal standing, to try and prevent British veterans from formally displaying their medal.*

**FOR Foreign Decorations rules to be reviewed** so that never again will 'rules' such as the 5-year rule be applied so inconsistently and incongruously just to deny ordinary men and women the right to display a medal that The Queen has already approved.

‡ *The 5-year rule cannot logically apply to prevent the PJM being worn. The PJM is not a British campaign medal to which the 5-year rule primarily applies. It is a Foreign commemorative service medal like the Malta and Russian medals that The Queen approved for formal wear 50 years after the events.*

**FOR the end of the retrospective application of new and inappropriate 'rules'**, rules such as the double medal restriction which, having been re-written in secret, appeared in Foreign Decorations rules for the first time in November 2005 and then applied to deny the 2004 PJM.

‡ *The PJM is not a double medal. It falls under Foreign medal rules (not British campaign medal rules to which the double medal rule primarily applies) and, in its scope and its eligibility terms and its service and its timescales, is quite different to any British medal and clearly cannot double any British medal (which, in any event, most PJMers do not have).*

**FOR the even-handed application of Foreign Decorations and British Medals policy** when the application of such policy protects the integrity of a British Medal bar.

‡ *Unrestrained proliferation of medals should be challenged. But rules should be applied consistently – not just to deny ordinary men and women while the number of medals awarded to the privileged increases.*

**FOR a cause that will not cost hard-pressed British taxpayers any money.**

‡ *Malaysia has graciously agreed to meet the full cost of this medal.*

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### Summary

Mr Touhig's words say it all for British veterans:

**“I could not speak of the value agenda without mentioning the campaign by veterans who fought in Malaysia to be allowed to wear the Pingat Jasa Malaysia medal. I have tabled early-day motion 356 on that and hon. Members on both sides of the House have generously supported it. However, we have to do more. We have a duty to honour the commitment of the 35,000 of our boys who fought in the jungles of Malaysia. They earned that medal and they have the right to wear it. A greater degree of honour falls on them than on the members of the honours and decorations committee who are resisting the legitimate request to wear that medal. I wonder how many of those who serve on that committee served in the jungle. Probably the only jungle they know is the jungle around Whitehall.”**

(The Rt Hon Don Touhig MP, House of Commons, 16<sup>th</sup> October 2007)