



## PINGAT JASA MALAYSIA

### A REBUTTAL STATEMENT

in respect of the issues raised in the Ministerial Statement presented to Parliament by the Minister for Trade, Investment and Foreign Affairs (Mr Ian Pearson) on the 31<sup>st</sup> January 2006 designed to justify the withholding from British Citizens of formal permission to wear the Pingat Jasa Malaysia

### PREPARED BY

The Worldwide Team leading the Fight4thePJM  
(see [List of Names](#) on last page)

on behalf of those who seek the right to wear the Pingat Jasa Malaysia

### DATED

21<sup>st</sup> June 2006

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**1. Introduction**

This Rebuttal Statement has been prepared by those leading the Fight4thePJM and has been submitted to Government departments, the HD Committee, and relevant Ministers and members of the Opposition by Barry Fleming who accepts responsibility for the content. The Rebuttal has been submitted on behalf of all those seeking permission to wear the Pingat Jasa Malaysia (PJM).

The Ministerial Statement of the 31<sup>st</sup> January 2006 states that the recommendation, which the Queen has approved, stipulates that “Permission to wear the PJM will not, however, formally be given”.

The Statement endeavours to justify this recommendation by reference to two “long-established” rules. We submit that the recommendation withholding such permission was based on two long-standing myths, upon an incomplete set of facts, is inappropriate and, rather than reflecting a “long-established” regime, the recommendation in the Statement conflicts in material ways with the typical pattern of British medallic policy over the last one hundred years.

It is clear from the lengths to which the Ministerial Statement goes to explain the recommendation that the Government was aware of the deficiencies in its case. We shall demonstrate that:

- The Double-Medal Rule is myth:
  - The majority of those eligible for the PJM do not have a British medal.
  - No NGSM's (clasp “Malaya”) were awarded to RN ships companies from 1954 to 1960 (see Admiralty Fleet Order 2460 1960). The PJM recommendation denies these men any medal for their service.
  - The only “long-standing” feature of this rule is that it has been broken time and time again over the last century. We shall offer numerous examples of authorised and approved (for wear) double-medals.
  - Indeed, one medal introduced by the MoD in 1994 can only be awarded if the applicant already has a medal for the same service. *That medal is still being awarded.*

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- The 5-Year Rule is another myth:
  - It is not a “long-established” rule in the context of the 650 years of the Honours System - a time-barred limitation was ‘encouraged’ by civil servants after the end of WW2 specifically to cover the anticipated influx of requests following the end the war.
  - Typically it is not raised as an objection when there is a political will to accept a medal.
  - It has been misunderstood even by those who endeavour to apply it.
  - A 5-year limitation is inappropriate to a “Commemorative Medal” which would normally only be awarded after a period of time has elapsed from the time of the service.
  - Eligibility for a medal introduced by the MoD in 1994 specifically provides for service carried out up to 37 years ago. *That medal is still being awarded.*
  
- Exceptions to the Two ‘Rules’ Abound:
  - This assertion is misleading - the implication is that there has been a coherent and consistent application of rules, all approved by the Sovereign, and that great lengths have been gone to in order to enable the PJM to be accepted. In reality the only great lengths that have been gone to were those designed specifically to prevent an unrestricted recommendation for the PJM.
  
- ‘Spin’ on Words:
  - “... *may receive the PJM ... in addition to the British General Service Medal*” - these words are knowingly misleading and are designed to produce an impression that is untrue in reality. *In fact, the majority of those eligible for the PJM do not have a British medal.*
  - “*Permission to wear the PJM will not, however, formally be given*” - we shall demonstrate that these words have been concocted to disguise the true nature of the recommendation. We shall quote official variations on this theme that illustrate that the words in the Statement have no formal meaning. *The words were calculated to fudge the issue.*

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- *“The Malaysian High Commission and the relevant British Government agencies will work together to determine eligible applicants.”* - these words hide the fact that Government agencies intended from outset to disregard key aspects of the Malaysian request in order to suit their own agendas. In particular, we shall record that the British have refused to verify applicants’ service records - *a refusal that impinges on the integrity of the PJM.*
- *“Veterans’ organisations and Service and Regimental Associations will also be involved”* - these words are intended to disguise the fact that the British Government, without explaining their intentions to the Malaysians or to the Associations, intended to insist that if any Association volunteered to help the Government such an offer would result in the Association not only doing all the MoD’s work but also having to fund all their costs. *This will result in our veterans, through their subscriptions, having to pay those costs ... even including postage.*
- The PJM has been judged inappropriately:
  - The recommendation makes no mention of the key reasons why the PJM was offered by Malaysia.
  - The PJM has been judged as if it were a British medal, not as an award from a Commonwealth country acknowledging Commonwealth veterans’ achievements while on Commonwealth service.
  - The PJM was not offered to the UK in isolation, it was offered to Commonwealth countries and should be considered in that context and not myopically, seen only from an out-dated British perspective.
- With hindsight and in the context of the facts in this rebuttal, the Statement:
  - Is seen, even in Government Departments, as being “less than explanatory” and “not helpful”.
  - It was an inappropriate compromise that simply has not worked - and never will.
  - Deprives the majority of those eligible, including many National Servicemen, from any medallic acknowledgement, British or otherwise, of their service in Malaysia.

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- Discriminates amongst Commonwealth nations.
  
- Discriminates between British citizens - i.e. between those who have, subsequent to PJM service, acquired Dual Nationality and those who have not.

It is our contention that the PJM should have been either rejected under the Foreign Decorations rules or recommended for 'unrestricted' wear status. We set out how Government Departments have told us that they now agree with that contention. The application and interpretation of the recommendation, the so-called "compromise", have achieved only negative and divisive results.

The recommendation has not produced a medal, it has produced a trinket from which all dignity has been stripped.

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## **2. Objectives**

Our objective is to achieve both a review of the recommendation and an amendment that produces a form of words that will enable the PJM to be worn by British citizens on an unrestricted basis.

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## **3. Scope of this Statement**

We have asked the Cabinet Office for a summary of the main points discussed at the meeting of the Committee on the Grants of Honours, Decorations and Medals ("HD Committee"). The reply confirmed that the only issues discussed were those set out in the Ministerial Statement.

In the context of that clarification, this Rebuttal Statement addresses only those issues contained in the Statement having been formally advised that they were the only ones taken into account when arriving at the recommendation, together with any subsequent explanations of the Statement that we have received.

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#### **4. Summary of the Background**

"Pingat Jasa Malaysia" is literally translated as "Malaysian Service Medal". The medal was offered in 2004 to the Commonwealth countries who served the newly independent Malaysia (including Sabah and Sarawak) in her defence against aggression and terrorism between Independence Day, 31<sup>st</sup> August 1957, and the end of Confrontation, 12 June 1966 (9<sup>th</sup> August 1965 in respect of Singapore, the date that Singapore achieved its own independence). There is a 'cooling off' period until 31<sup>st</sup> December 1966 so long as service commenced on or before 12 June 1966.

We are given to understand that the request to award the medal was not made to the United Kingdom until 2005. Despite our enquiries, no explanation has been forthcoming as to why the United Kingdom was singled out to receive the request at a much later date than Australia and New Zealand - or why the Malaysian eligibility criteria for the award of the PJM to Australia and New Zealand citizens was seemingly different to that offered to citizens of the United Kingdom.

- The countries to whom the PJM has been offered include Australia, Britain, New Zealand, India, Nepal, and Fiji.
- Those eligible for the medal include men and women from the Armed Forces, Police and Security Civilian Staff.
- To be eligible requires service of ninety days in the aggregate.

The above eligibility criteria are not exhaustive but do reflect the principle issues.

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#### **5. The Citation**

The citation that accompanies the medal reads:

*"Pingat Jasa Malaysia: 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."*

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## 6. The British Medals System

The British Medals system does not abide by a coherent and logical set of rules and this results in a confusion of anomalies and contradictions. Medals similar in nature are frequently treated differently. Rules are applied on an ad hoc basis often reflecting a political imperative. We shall demonstrate clear examples of the oft-quoted ‘five year rule’ and ‘double medal’ myth being violated.

The Foreign and Commonwealth Office (FCO) and the Ministry of Defence (MoD) have the most significant input into the items on the agenda when medals such as the PJM are discussed and recommendations are constructed. *Civil servants in these two Departments essentially determine the initial attitude that will be adopted towards a request for an award to be made by, for example, a foreign government.*

Departments like the Ceremonial Officer at the Cabinet Office and the Central Chancery of Orders of Knighthood at St James Palace are not so involved in determining attitude at outset.

Other Departments, which have a presence on the HD Committee, are less involved until a later stage and seldom become involved in the early minutiae.

The FCO oversees foreign medals and they clearly have an influence out of proportion to their presence on the Committee, which reflects their responsibilities for British interests abroad. It was the FCO who first requested the HD Committee to consider the PJM in the context of Foreign Decorations rules.

The FCO’s influence on decisions can be seen in the initial recommendations to deny medals for the Suez Canal Zone conflict between 1951-1954 and the Jebel Akhdar War in Muscat and Oman in 1959. In the former, the conflict was an event that the FCO did not want to highlight for obvious and embarrassing (to the UK) reasons. In the latter case the FCO simply did not want another British involvement in a war that was both post-Suez and east-of-Suez to be publicised and so they used the excuse of ‘secrecy’ about our involvement, allegedly to protect the interests of the SAS who took part in the war. Eventually those who served in this war were awarded the more generally applicable GSM clasp “Arabian Peninsula” - along with the clerks in Bahrain - thus denying them any acknowledgement of their specific service.



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On a more positive note, the FCO did want to highlight the PJM because of our trade and diplomatic interests in Malaysia.

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## 7. Precedents

There is much talk of medal and recommendation precedents, but we suggest this is not relevant generally and certainly not in the context of the PJM, which is a unique award.

The MoD and FCO try and hide behind the twin myth of double-medalling and a 5-year 'rule' and the semantics about what the PJM is in medallic terms (campaign or commemorative). They do this while also claiming that what they may have done, or not done, in the past did not create a precedent. Alternatively, when it suits their agenda, they claim that what they did in the past did create a precedent, i.e. like the Suez recommendation, a precedent that was not to be repeated. These stances are clearly contradictory and mutually exclusive - the attitude is an illogical nonsense.

- A declaration that "this is not a precedent" cannot hold water in these matters. Anything done by Government can be quoted and must be capable of being undone.
- This rebuttal provides a number of examples of medals being accepted for wear and we ask "Why not the PJM?". The only response re-quotes the twin 'two-medal/5-year' myth. We demonstrate that the double medal objection is fundamentally misleading and, without it, the 5-year objection is even more transparently a device to exclude ordinary men and women from receiving the acknowledgement they so clearly deserve.

*If the British campaign medal, the "Suez Canal Zone", can be granted unrestricted acceptance (so the medal can be worn) 50 years after the service was carried out, why cannot the Foreign commemorative service award, the Pingat Jasa Malaysia, also be given a similar recommendation? No doubt we shall be told that the 5-year rule was 'legitimised' in the Suez Medal recommendation, but it is still not logical or fair to use that 'precedent' relating to a British campaign medal in the case of a Foreign commemorative (as the PJM is described in the Ministerial Statement) which, by its very nature, would normally only be offered some time after the event and our own Commanders are not involved in the process.*

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**8. The Chain of Command**

In the matter of PJM, it has been impossible to ascertain who has the power to intervene in our case.

We have been told that initially Government Departments and their Ministers will offer their views on matters such as the PJM but that it is ultimately the Committee on the Grant of Honours, Decorations and Medals (the HD Committee) alone that has the power to arrive at a recommendation after their discussions within the “Honours in Confidence” system which is a device that serves to ensure that those discussions do not appear in the public domain.

Is this “Honours in Confidence” a satisfactory process in the context of Mr Blair’s aim to make the honours system more open? This PJM is not an award to an individual (in which circumstances one can understand the need for In Confidence discussions). This is a medal that they claim is subject to clear cut rules and so one questions why there is a need for secret talks on the matter. It is also an award that affects thousands of ordinary men and women and they have the right to know what is being discussed that will affect their rights.

The HD Committee makes a recommendation to the Queen. *But is it a recommendation or an instruction that she cannot materially comment on? And who wields the power in this process?*

We have been told:

1. The HD Committee is free from political intrusion.
2. But the HD Committee hears what Ministers have to say.
3. The information from Ministers is prepared primarily by civil servants.
4. The HD Committee makes a recommendation to the Queen.
5. The Queen, being a Constitutional Sovereign, acts on the advice of her Ministers.
6. The Queen approves the HD Committee’s recommendation (see 1. above).
7. The appropriate Department (in the case of the PJM, the FCO) promulgates the recommendation, emphasising the fact that the Queen has approved it.
8. Subsequently, our enquiries and requests for help are met by:
  - a. Civil servants are there to reply on behalf of Ministers and not directly (see 3. above)
  - b. Ministers cannot intervene - it is a matter for the HD Committee and the Queen.
  - c. The HD Committee will not discuss the recommendation or answer questions.

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- d. The Queen cannot intervene. She acts on the advice of her Ministers (see b. above)
- e. The HD Committee is answerable to the Queen, and only the Queen.
- f. So we ask the Queen and we are told she is a Constitutional Sovereign and acts on the advice of her Ministers ...

So we try again, and proceed to go round in never-decreasing circles.

This is a very worrying state of affairs in a democracy. It should be noted that the key, and potentially most influential, input to any recommendation is to be found at Step 3. It also falls to the civil servants to reply to our questions - politicians seldom intervene to question what is actually being said in their names.

*It appears that the civil servants who have the initial input retain and exert an importance that is well out of context with their role as civil servants. They can make or break a request and as we see throughout this rebuttal, their input cannot be categorised by even-handedness.*

Civil servants have their own agenda which reflects their personal and their Department's agendas and prejudices. *Why are our politicians so afraid of questioning what the civil servants are arranging and deciding in their names and, ultimately, in the name of the Queen?* Decisions that impact on the rights of ordinary people.

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## **9. The Royal Family - and the Civil Servants**

The Queen has been used as a scapegoat for this recommendation. It has been emphasised to us that it is She who accepted the PJM on condition that it will not be worn - not the HD Committee, not her Ministers who supposedly advise her, not the civil servants who prepare so many of the 'facts' that are taken into consideration. It is all down to the Queen. Or is it?

Our view is that this assertion distorts reality. The Royal Family are the bedrock of our society maintaining as far as possible an apolitical and non-partisan stance.

Unhappily, it is sometimes the case that those who surround the Royal Family see their role as being protectors of the status quo rather than as promoters of fresh thinking to address out-dated practices - and this is especially relevant when it comes to medals.

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On the other hand, the Royal Family has typically demonstrated an awareness of public opinion and a proximity to the public. This enlightened attitude has been demonstrated often. Two examples nearly a century apart - King George V, and more recently by Prince Phillip, both supported the view that bravery awards should be given regardless of rank.

- Our point is that we believe that it was the input from civil servants within Government Departments, intent on achieving a recommendation that meets their agenda rather than the needs of the Commonwealth and the country and the country's veterans, which influenced the construction of a recommendation that the Queen (who is Head of the Commonwealth and Head of State of at least three of the countries within the Commonwealth who have been offered the PJM) could not reject nor materially amend in any way.
- We do not believe that the Queen would wish to divide the Commonwealth in this matter if She were to be aware of all the facts surrounding the PJM.
- But the Sovereign, as the "Fountain of all Honours", is inextricably linked to these decisions and recommendations such as that for the PJM, and is often blamed for them instead of her advisers.

It is our view that in the modern world where global relationships are becoming more and more vital, there should be a more enlightened and logical approach to the acceptance and wear of some Foreign decorations, particularly those from our friends and allies in the Commonwealth. This country should not be seen to be applying "Imperial measures" to Commonwealth "metric issues" when the result is to divide that Commonwealth and divide and deprive this country's veterans.

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#### **10. Between Two Stools**

The PJM does not fit neatly into the thinking of either the MoD or FCO. Neither is very clear as to whether to treat the award as a Commemorative medal or a Service medal, hence the number of different nomenclatures that have been used.

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We asked this question of both Departments “If the medal had been clearly labelled as a Commemorative medal, say acknowledging the 40<sup>th</sup> Anniversary of the end of Confrontation (and therefore the end of PJM service), would your Department have found it easier to accept it?”. The MoD said they would have fewer difficulties. The FCO said it would have made their recommendation that much harder.

We asked this question of both Departments “In the light of the aftermath of the Ministerial Statement and the anomalies and confusion that have resulted from it, do you think it would have been more appropriate to have either rejected the medal at outset or to have awarded an unrestricted recommendation for wear?”. Both Departments said, “Yes”.

Another difficulty we have encountered is the habit that Government Departments or agencies have of playing one off against another when we seek answers. Often we were told that ‘it is not in our province’ - ‘it is the responsibility of the MOD or FCO or Cabinet Office or HD Committee’.

Those who are involved in creating the form of words to justify denying the PJM, primarily civil servants, some quite junior, chop and change the rules to suit their own purpose. One moment they try and apply British Medal rules, the next they try and apply Foreign Decorations rules, and often they mix both in a confused concoction of words. There are examples throughout this Rebuttal and in the correspondence we refer to. For instance, the PJM is variously, but not exclusively, referred to as:

- A Commemorative Medal
- A Commemorative Service Medal
- A Medal for Service
- A Foreign Campaign Medal for Service

The originators of those expressions are not being semantic - each nomenclature has its own fundamentally different implications in medal terminology and each is considered in the light of either British Medal rules or Foreign Decorations rules. Those who were involved in making the PJM recommendation should have been able to be more consistent as to which medal type the PJM represents - in the absence of any precision, the recommendation was bound to be confused.

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*Yet all have been applied to the PJM and in the context of **both** British medal and Foreign decoration rules. And on each occasion it has been to make a point in order to deny the PJM. Not all can be correct - and if one is wrong then the recommendation is faulted, is unsafe, should be reviewed, and should be amended to 'unrestricted'.*

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## **11. The Commonwealth Perspective**

Whilst 'Commonwealth Award' may have a formal meaning within the business of medals, the PJM is in all practical respects a Commonwealth award in so far as it is offered by a Commonwealth country to Commonwealth forces from Commonwealth countries for defending a Commonwealth country.

*It should be noted that the forces employed in Malaysia were generally under one Commander - a British Commander. It cannot be appropriate, therefore, to discriminate between the forces under his command as to who can wear a medal and who cannot. All those forces should be treated equally.*

### 28 Commonwealth Infantry Brigade

This Brigade was based in Malacca on the Malaysian Peninsula and consisted of men and women from Australia, New Zealand and the United Kingdom (including a Gurkha Battalion). It provides one very clear example of the fundamental anomalies that the PJM recommendation creates, and underlines the unfairness and inequality that results from the recommendation.

This Brigade was part of SEATO - it has a SEATO role in respect of Laos and Thailand. Malaysia was not part of SEATO. For strategic reasons Britain needed the Brigade to be based in Malaysia. And so an agreement was entered into whereby Malaysia would allow the Brigade to be stationed on its soil if the force was first at the disposal of Malaysia in what we now recognise to be PJM service. The personnel in this force, being SEATO, could not be formally or directly seconded or attached to the Malaysian Armed Forces.

- They are therefore not eligible for a Malaysian medal (which would have been the case on secondment or attachment).

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- Furthermore, the PJM recommendation also denies the right to be considered under British Foreign decorations rules which specifically provide for such service to be acknowledged by a *wearable* award, for example the PJM.
- Those in the Brigade who were stationed exclusively on the Peninsula are not eligible for a British medal if they served there during the 4 ½ years for which no British medal was awarded.
- And as a result, when veterans from 28 Commonwealth Infantry Brigade parade together, only the British will not be allowed to wear the PJM.

This is clearly a ludicrous and wholly inequitable anomaly. As is the case of Locally Enlisted Personnel.

Locally Enlisted Personnel

These were men from Malaysia, Malaysian citizens, who enlisted in the British Army and were on the strength of units such as the Royal Army Medical Corps. Their loyal service came to an end in the early 1970's when the survivors were made redundant - and most did not receive a pension. Those who did, have a pension that is severely restricted.

As a result of the PJM recommendation, these loyal and gallant men have been refused the Queen's permission to wear the medal that recognises their service. They have been deeply hurt by this judgement of their value to the British by the British.

The PJM is an Award to Commonwealth Forces

After a short period of consultation the Governments of Australia and New Zealand recommended to the Queen that the medal should be accepted for wear by their citizens. The New Zealand government recognised that the PJM was wider in scope than any existing New Zealand medallic award - and that would include, of course, any British medals awarded to New Zealand citizens.

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We believe that greater consideration should have been given to the Commonwealth issue particularly in the context of the Queen approving permission for Australia and New Zealand to accept the PJM for wear. The fact that those two countries acted within their own Honours System is not sufficient reason to warrant asking the Queen to divide the Commonwealth between those who can, and those who cannot, wear the PJM that was earned on Commonwealth service.

We live in a world of global communications and readily-available media sources. Ordinary men and women around the world (we have correspondents and supporters in three continents) do not understand the minutiae that is being bandied about. They see the PJM as being a ludicrous and unfair recommendation - and one that carves out the United Kingdom as being apart from the rest of the world.

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## **12. The Malaysian Perspective**

The PJM acknowledges service at a time in Malaysia's history that is very important to them - the years immediately following their independence when they were vulnerable and struggling to maintain their freedom against a number of threats.

But the British recommendation does not focus on the fundamental importance of this medal to the Malaysians, and thus the importance the Malaysians place on its honourable acceptance. The recommendation is primarily devoted to justifying the myths employed to reject the PJM as an honourable award and to consign it to the status of a souvenir. No matter what words are used to camouflage this fact, the British Government, through its recommendation and through its subsequent actions, is not treating the medal with the respect that it merits. We submit that that is inappropriate.

The Citation (see above) speaks for itself. The PJM is an honourable award, honourably earned by honourable men and women of the Commonwealth.



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Here is what the Malaysian Chief of Defence Force Malaysia says:

“As we recognised the sacrifices and contributions of all our Commonwealth servicemen, police and civilians that gave their lives to uphold the freedom and independence of the people of Malaysia. Acknowledging this fact, the Malaysian Government and MAF (Malaysian Armed Forces) introduced the ‘Pingat Jasa Malaysia’ (PJM) which is an award given to all Commonwealth servicemen in appreciation and recognition of their sacrifices during the Counter Insurgency in Malaysia. We will always cherish and continue to remember those gallant warriors who had put their self interest and futures aside to ensure a peaceful and stable Malaysia.”

The words are important - “the ‘Pingat Jasa Malaysia’ (PJM) which is an award given to all Commonwealth servicemen in appreciation and recognition of their sacrifices during the Counter Insurgency in Malaysia”. Note - “*to all Commonwealth servicemen*”. It should be treated and awarded accordingly, with honour and with uniformity (no pun intended).

And here is an excerpt from an unsolicited letter we have received (and we have hundreds of letters of support) that describes what the PJM service means to the ordinary men and women of Malaysia:

“I was recently in Kuala Lumpur on a visit and was astounded by the importance and National Pride attached to their fight for Independence and the Malayan Emergency. Every time I was asked by Hotel Staff or Taxi Drivers if I had ever been to Malaysia before and I replied that I had been here on operations during the emergency I was overwhelmed with gratitude and generosity. Even from those younger people who had not been alive at that time. Unlike today’s operations, here is a country which wanted us to be there and will be eternally grateful that we were. That is what makes the job worthwhile.”

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**13. The British Perspective**

The British Government, however, announced in the House of Lords in January 2005 that they would reject the Malaysian medal for British citizens on the basis that the award would conflict with the Imperial Honours System.

In early 2005 intensive lobbying commenced to try and reverse that decision and after a few months the Secretary of State at the Foreign and Commonwealth Office (FCO) announced that the FCO had submitted a paper to the Committee on the Grants of Honours, Decorations and Medals (known as the HD Committee which advises The Queen on these matters) asking them to review their policy in respect of foreign awards and the PJM.

It was not until the 7th December 2005, some eleven months later, that the HD Committee met to carry out the review. We have not been told why it took so long to arrange the meeting. There is a valid question to be asked here - in the context of the Ministerial Statement inferring clear-cut and “long-established” medal rules, *why did it take so long?* Was time needed to enable the civil servants to work on those rules because they (the rules) did not immediately lend themselves to the recommendation that they (the civil servants) wanted to achieve?

It was another two months before their recommendation was announced in the written Ministerial Statement made in the Commons on the 31st January 2006. Why this date? Was the British announcement carefully and callously timed to fall the day after the very first PJMs were to be presented in Australia (to the Queen’s representative in Australia, the Governor General) where the medals had the Queen’s permission to wear their medal?

The British announcement withholding the right to wear the medal was clearly ‘politically’ timed to save the Queen’s Representative (and the British Government) considerable embarrassment. No thought was given to the feelings of the British veterans who would be told through the Ministerial Statement of the decision that would deny them the same pride that their Australian ex-comrades in arms would so deservedly enjoy.

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The British HD Committee's recommendation was that British citizens could receive the medal but they would not be allowed to wear it. This astonishing recommendation means that The Queen has granted a wearable medal to her Australian and New Zealand citizens, but has been instructed to refuse the right to wear the PJM to her British citizens. A stunning insensitive decision in today's world.

The application and interpretation of the recommendation that withholds formal permission from British citizens to wear the Pingat Jasa Malaysia (PJM) has produced many anomalies and difficulties that could not have been anticipated at the time the original recommendation was submitted to the Queen.

The application of the recommendation reduces the medal to the status of a 'keepsake' and as a result the PJM is not be a legitimate medal that has been formally accepted. Many British ex-Armed Forces have decided not to apply for the PJM because its status has been reduced to that of a souvenir. *It has emerged recently that the British authorities will not check applicant's service records and as a result the medal does not have the integrity the Malaysians had sought when asking the British authorities to ensure that only applications from verified eligible persons would be forwarded to the Malaysians. While that situation continues, the honourable Pingat Jasa Malaysia, the cost of which is funded entirely by Malaysia, is relegated to a status below that of a formally accepted medal.*

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#### **14. The Two Basic Objections**

Two objections were raised by the Government and the HD Committee to support the view that British citizens should not be allowed to wear the PJM:

- Double-medalling - the recommendation states that 'many' eligible for the PJM already have a British medal for the same service.
  - *It has now emerged that the majority of men and women who are eligible for the PJM are not eligible for a British award and, in any event, the scope of the PJM is wider than any British medallic award.*
  - *Furthermore, as we shall demonstrate in this Rebuttal Statement, it has been long-standing practice for the British to award two medals for the same service.*

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- 5-Year 'Rule' - to the effect that awards will not be accepted for service more than five years ago and as a result the PJM conflicts with British medal rules:
  - *We believe this to be a myth - the 5-year claim is a perpetuation of a measure taken after WW2 to meet the particular circumstances of the time.*
  - *We now know that several awards and, indeed, commemorative medals, in respect of service a long time ago have received unrestricted acceptance and can be worn by British citizens.*
  - *We shall provide examples which clearly show that the five year rule has not been applied consistently and many medals have received an unrestricted recommendation despite being in respect of events or service in the distant past.*

In summary, it is our contention that these rules are a myth and have not been applied appropriately in the case of the PJM. One only has to consider the British Accumulated Campaign Service Medal instituted by the Ministry of Defence - it can only be awarded if a medal has been received for the same service, and it is specifically awarded in cases where qualifying service occurred more than five years earlier - actually, *the ACSM can double-medal for service more than 37 years ago*. And it is still being awarded.

The single example of the ACSM demolishes the case for the claim that there is some sort of relevant or "long-established" 'principle', important to the integrity of the British (Imperial) Honours system, that exists and must be applied to the PJM. If the MoD, FCO and HD Committee are intent on applying "long-established" rules, then they should be even handed and apply the same rules to the PJM.

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### **15. The Double-Medal Myth**

First and foremost:

- The scope of the PJM is wider than any British Medal and so the medal should not attract the objection of double-medalling.

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- The timescales of eligibility for the PJM are different to any British award and so the medal should not attract the objection of double-medalling.
- For 4 ½ years of the 9 years for which the PJM runs, no British medal was awarded to those stationed exclusively in Singapore or on the Malay Peninsula.
- It has now been officially confirmed that the ‘risk and rigour’ criterion that applies to British campaign medals, resulting in the sporadic nature of those awards, should not be applied to the PJM which is a Foreign commemorative service medal.
- It is insensitive and misleading to pretend that double-medalling is an issue that could compromise the Imperial Honours System simply in order to deny the majority of those eligible who do not already have a British medal the right to wear the PJM. For them, there is no question of two medals. The PJM is their only reward for their service.

The recommendation incorporated in the Ministerial Statement denies the majority of veterans a medal on the fallacy of double-medalling. By denying the majority, the recommendation conflicts with Churchill’s dictum, oft-quoted by Government departments, that “All that is possible is to give the greatest satisfaction to the greatest number and to hurt the feelings of the fewest.” (see Churchill’s Dictum, below).

The Ministry of Defence continues to try and sell the idea that the British simply do not allow two medals for the same service. In reality, they do and have always done so.

*Double-medalling has always been an integral part of our system.*

Here are some examples of double medalling. The Government will endeavour to counter these double-medalling arguments by saying that they mainly apply to British Medals. This is not a relevant comment when judged in the context of the PJM recommendation, which was in respect of a foreign commemorative service award. In any event, if your habit is to allow two medals, why try and impose a restriction in inappropriate circumstances where the scope and timescales of the medal are wider than any British Medal and where most do not already have a medal?

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Boer War:

You had to have the Queen's South Africa Medal to be eligible for the King's South Africa Medal - *a clear case of imposed double-medalling.*

WW1:

(When discussing major conflicts we always have in mind that the servicemen and women deserved more than a medal, or even two or three medals. We quote these medals only to demonstrate the PJM recommendation and the emerging Ministerial Statement were based on a myth).

You had to have the British War Medal in order to qualify for the Allied Victory Medal - again, *enforced double-medalling.*

Furthermore, those on operational service before 1<sup>st</sup> January 1916 were eligible for one of the two Stars - *resulting in treble-medalling.*

In the North West Frontier of India before 1914 and between 1919 and 1945 one was eligible for a single medal. During WW1 before 1916 these actions produced three medals for the same service and two from 1916 onwards.

WW2:

Troops serving in India during WW2:

They became eligible for the Defence Medal (for 360 days non-operational service overseas). They also qualified for the War Medal 1939-45 after 28 days. *A case of double-medalling.*

The 1939-1945 Star:

This Star was awarded on six different occasions for service on the North West Frontier between 3<sup>rd</sup> February 1940 and 18<sup>th</sup> August 1942. *It was therefore possible, with the War Medal, to receive and wear three medals in circumstances where one would have expected only a single medal. Double or even treble-medalling.*

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All those eligible for the 1939-1945 Star were also awarded the War Medal 1939-45 for 28 days service. *Double-medalling.*

Area Stars were for operational service and, for the Army and RAF, were normally for entry to a theatre. 180 days on operations and the 1939-45 Star would also be earned. *Double-medalling.*

In the Navy one normally had to qualify for the 1939-45 Star in order to be eligible for the Area Star. *Double-medalling.*

Atlantic Star:

The Atlantic Star has been much discussed in recent years.

You could become eligible for the Atlantic Star only after you had qualified for the 1939-45 Star. You had to serve 180 days to earn the 1939-1945 Star and then a further 180 days to earn the Atlantic Star. *A stunning imposition by the British of a double-medal.*

There is more:

The 1939-45 Star had to be earned before beginning to qualify for the Atlantic Star, but any of the period spent in the Atlantic could count towards the Atlantic Star, and so it would be possible to spend six months in the Atlantic earning the Atlantic Star, one day in the Pacific earning the Pacific Star and a further 180 days in the Pacific earning the Atlantic Star. Confused? We are. *And so is the thinking that promotes the non-existence of double-medalling.*

This is a classic case of being awarded two medals for one campaign. Furthermore, it was not equitable. A man who served in the major Battle of the Atlantic for 359 days would not get the Atlantic Star. *Is this an example of MoD sensitivity and fairness?*

And Merchant Seamen qualified only while at sea and so many did not qualify at all. *Is that another example of MoD sensitivity and fairness?*

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The Atlantic Star, Air Crew Europe Star and France and Germany Star:

All were alternative awards with the second award being denoted by a bar. No matter how it was presented (bars instead of separate medals), *this was a clear case of double medalling.*

Burma Star and Pacific Stars:

All were also alternatives and a bar was received as the second award. However, for some unknown reason, you would become eligible for the Pacific Star for service in Hong Kong (until 25<sup>th</sup> December 1941), China (until 15<sup>th</sup> February 1942), Malaya (until 15<sup>th</sup> February 1942) and Sumatra (until 23<sup>rd</sup> March 1942) but, after the very next day after the date in brackets, you earned the Burma Star (actually the bar if you already had the Pacific Star). *More double-medalling.*

Korean War:

Two medals were awarded for the same service - the British Korea Medal and the UN Korea Medal.

UN Congo:

UN troops in the Congo received the UN Truce Supervisory Medal with a bar Congo on the ribbon. This was for service from 10<sup>th</sup> July 1960 to 30<sup>th</sup> June 1964. In 1966 the bar was dropped and a new ribbon was introduced. British personnel seconded to Commonwealth forces were eligible for the award. *Double-medalling.*

Malaya/Malaysia:

Personnel on secondment to the Malay Regiment from 31<sup>st</sup> August 1957 to 31<sup>st</sup> July 1960 earned the Malay Active Service Medal in addition to the British GSM clasp Malaya. *Double-medalling.*

Personnel in North Borneo on 23<sup>rd</sup>/24<sup>th</sup> December 1962 would have received the GSM with clasp Brunei on the first day and after 30 days got the GSM 1962 with clasp Borneo. *It is certain that many received two medals.*



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Oman:

Personnel on secondment or under contract to the Sultan's Armed Forces in Dhofar Province for fourteen days from 23<sup>rd</sup> May 1965 to 30<sup>th</sup> June 1976 received the Omani GSM with bar Dhofar. In the period from 23<sup>rd</sup> May 1965 to 2<sup>nd</sup> December 1975, for thirty days service anywhere in Oman, they became eligible for the Sultan's "As Sumood" Medal (Endurance Medal) *which was approved for unrestricted acceptance* in 1977. Then from 1<sup>st</sup> July 1976 the Peace Medal was instituted for one year's service. Those who served in Dhofar Province received both the Sultan's "As Sumood" Medal and the GSM - another clear case of double-medalling. Indeed, most received two or three medals for the same service.

Former Yugoslavia:

There are at least ten medals for service in Former Yugoslavia that give scope for double-medalling:

1. UNPROFOR (former Yugoslavia);
2. ECMM (Former Yugoslavia);
3. UN Special Service Medal (Op Cheshire);
4. NATO Former Yugoslavia;
5. UNMIK (Kosovo);
6. NATO Kosovo;
7. NATO (Macedonia);
8. WEUM Former Yugoslavia 1992;
9. ESDP (Bosnia);
10. NATO Non Article 5.

Police in Macedonia were eligible for at least two other awards. While the rules are designed to avoid two medals for one campaign except where the full qualifying service has been done for each, we believe that many eligible for the UNPROFOR medal must subsequently have served with NATO and subsequently received the NATO Medal with bar Former Yugoslavia. We understand that many received two medals.

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Other Operational Commands:

In similar vein to Former Yugoslavia, other areas offer more than one medal dependent on the organisation under which one served. Here are some examples with considerable scope for double-medalling:

Cambodia:

The UNAMIC UN Service Medal was for 90 days with the Advisory Mission from 1<sup>st</sup> October 1991 to 31<sup>st</sup> March 1992. The UNTAC UN Service Medal was for 90 days with the Transitional Authority from 31<sup>st</sup> March 1992 to 30<sup>th</sup> September 1993. It is highly likely that some personnel worked for both missions and became eligible for both medals.

East Timor:

The Australian INTERFET Medal (for 30 days service between 16<sup>th</sup> September 1999 and 10<sup>th</sup> April 2000) was issued to those working with the Australian forces and the UNAMET/UNTAET UN Service Medal (90 days from 7<sup>th</sup> June 1999) went to those under UN Command. Again, *further scope for double-medalling.*

Sierra Leone:

The British Forces got the OSM Sierra Leone (with a bewildering variation of qualifying periods dependent on the Operation involved of one day; 14 days; 6 days; 21 days; 30 days; or 45 days from 5<sup>th</sup> May 2000 to 31<sup>st</sup> July 2002) while those with the UN got the UNOMSIL/UNAMSIL UN Service Medal (90 days from 1<sup>st</sup> June 1998). Again, further scope for double-medalling.

Afghanistan:

The situation is very confused. Initially our troops got the OSM (5 days; 21 days; 21 days plus 6 sorties; 21 days; or 30 days from 11<sup>th</sup> September 2001). Since then there is a NATO Non-Article 5 Medal with bar NTM-ISAF (International Security in Afghanistan) and now troops appear to be under European Command. *More scope for double-medalling.*

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Congo:

In the Congo we have the OSM Congo and MONUC UN Service Medal for those under UN Command (90 days from 30<sup>th</sup> November 1999). *Scope for double-medalling.*

The Iraq Medal:

Is given for service of 7 days; 10 days; or 30 days from 20<sup>th</sup> January 2003. There is also a NATO Non-Article 5 Medals with bar NTM-IRAQ (NATO Training Mission). Scope for double-medalling.

In addition there is the case of Royal Military Police bodyguards to the Embassy Staff in Baghdad. Although on dangerous duties they do not, apparently, qualify for a medal because they are not under Command the British Force Commander. It would be somewhat cynical to suggest that another reason is that the FCO Diplomats being protected do not get a medal either.

Finally, in respect of the Iraq medal, the List of Zones will no doubt overlap with those for the OSM Afghanistan and include Oman, UAE, Bahrain, Kuwait. More scope for two medals for the same service.

Accumulated Campaign Service Medal:

We regard this medal as a classic example of double-medalling. It was introduced in 1994 specifically to award more than one medal to those serving in Northern Ireland for years who otherwise would receive just one GSM for their service.

Basically, the Accumulated Campaign Service Medal is awarded *only if* you have previous campaign medals - three years of General Service Medal operational service from 1969 is the requirement.

NB *This double medal is not available for those eligible for the PJM - we are being accused of double-medalling whilst actually being excluded from it.*

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Originally, three years campaign service earning the GSM for the last seven clasps counted towards the ACSM. This has now been extended to include the South Atlantic Medal, the Gulf Medal, the Iraq Medal, and the Operational Service Medals for Sierra Leone, Afghanistan and Congo. Thus it is possible to have six medals over three years operations, and qualify for a seventh.

*Another NB: This medal can be awarded for service that was carried out some 37 years ago. Where does the 5-year rule come into it? Is it because it is not a Foreign award. But is that relevant when we are all British servicemen and women?*

And so it can be seen that double-medalling has been an intrinsic and “long-established” part of our honours system.

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#### **16. Five-Year Rule Myth**

Is there an instruction, formally approved by a Sovereign, that can be produced that sets out the 5-year rule? Reference to it appears in the Foreign Decorations rules that Mr Straw, then Foreign Secretary, set out as recently as November 2005 (a year after the PJM was first offered by Malaysia). His announcement did not confirm that any 5-year rule had been formally approved by a Sovereign, which we are told is an integral step in the system.

The 5-year rule was referred to in the Suez Canal Zone recommendation in 2003. This was clearly an attempt to award legitimacy to the rule at a very late date (50 years after the campaign and 10 years after the medal had been last rejected).

- In any event, if civil servants were clever enough to have the rule legitimised at the time the Suez medal was awarded for wear in 2003, three years is neither ‘long-standing’ nor ‘long-established’.

#### The Suez Medal

The Suez medal recommendation is claimed to be a precedent and no further awards would be considered in respect of service or events more than 5 years earlier.

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But that claim was in respect of a British campaign medal and it was specifically in the context of the HD Committee explaining their difficulty with service and events long ago ... their difficulty being that they cannot put themselves in the place of the HD Committee at the relevant time, nor in the position of the Chiefs of Staff of the time, who had presumably already considered an award. The HD Committee was saying that it would not *re-consider* that which had been considered. Happily, in the case of the Pingat Jasa Malaysia, it does not have to *re-consider* anything:

- The PJM is not a British campaign medal and so should not be subject to British campaign medal 'precedent'.
- The Ministerial Statement confirms that the PJM is a Foreign commemorative medal (to which British campaign rules should not apply).
- Because it is not a British campaign medal, no Chiefs of Staff will have been involved in considering it and so the HD Committee does not have the difficulty it wishes to avoid (thus employing the 5-year measure to obviate the stated difficulty).
- The PJM was offered in 2004 when the current HD Committee was in situ so, again, its members do not have the other difficulty they invoke the 5-year measure to avoid.

It would be churlish to suggest, but some do including the writer, that the Suez medal was grudgingly awarded. Government departments had been found to be less than forthcoming regarding the facts - a claim that we make in respect of the PJM - and so the deserved award was postponed for many years during which time many veterans of the campaign suffered and many died.

It was only when the facts (e.g. that an award had not been previously considered) were dragged out of those Government departments, primarily the MoD, that the HD Committee sought a hook on which to a) hang a now-inescapable recommendation and b) through which to try and legitimise a rule *that in the previous ten years had not even been raised as an objection in respect of the Suez medal*.

In any event, it must be remembered that the PJM is a Foreign commemorative medal and commemorative medals are typically awarded many years after the service or event the award commemorates. The Suez medal is a British medal.

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Returning to the generality of the 5-year 'rule', we understand that a measure was brought in at the end of WW2 to address the special circumstances of those times regarding British campaign medals and not Foreign decorations. It would appear that this measure has been adopted more recently as a political tap used to turn on or off a medal request depending on the wishes of civil servants or politicians.

There are numerous examples of medals being issued after five years that can be worn by British citizens: UNOMIG, awarded after *seven* years; UNSCOM, awarded after *eight* years; UNOCHA, awarded after *eight* years; UN SSM Op Cheshire, awarded after *five* years; GSM 1962 "Dhofar", awarded after *six* years; GSM 1962 "Air Operations Iraq", awarded after *six* years.

Then there are the Russian and Malta medals awarded for wear 40 and 50 years respectively after the event - and the Russian medal had been rejected *ten* years before it was accepted after the country became politically correct.

The PJM is described as a Commemorative Medal in the Ministerial Statement. If that is the case, there is typically a 25 year, 40 year, or 50 year period between the service and the awarding of the medal. It is therefore clearly inappropriate to apply a 'more than five years ago' restriction to a commemorative medal.

If, specifically in order to reject the PJM and deprive veterans of the right to wear the medal, the civil servants who essentially control the input into these recommendations wish to invoke the 5-year rule, then we would ask:

- "Where is this 'rule'?"
- "In which document is it *formally* embodied?"
- "If formally embodied, when did this happen?"

The Government has confirmed these rules require the Sovereign's approval.

- "Which Sovereign approved this rule?"
- "When was it approved?"

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Or is it, like so many ill-defined and convenient political weapons, a ‘rule’ that has existed somewhere, sometime, but is selectively wielded by the civil servants who have such powerful input into the initial phases of each medal request?

We understand that in about 1950, i.e. about five years after the end of WW2 in 1945, a rule was devised by Whitehall, who then persuaded King George VI to agree, which would reject medals offered in respect of service and events more than five years after the service or event happened. The intention was specifically to pre-empt the many awards, and we think campaign awards rather than commemorative awards, that were likely to be offered in respect of WW2 service.

This rule must have been submitted to the King shortly before he died in 1952. We have been told that a Suez Canal Zone veteran asked for a copy of the instruction and was told there was nothing in writing.

- In terms of the Imperial Honours System, 1950 is not long ago and anything since then cannot be categorised as being “long-established”. But we believe that an attempt to formally legitimise a 5-year rule only occurred in 2003.

We have been told that it is likely that there was an instruction intended to meet the circumstances described, but it related to 1939-45 and did not apply to the future. *We are also of the view the ‘rule’ referred only to campaign medals.* It is unlikely that Commemorative medals, as the PJM is described in the Ministerial Statement, would have created the same problem and so the measure was not directed at them.

In any event, by their very nature, Commemorative medals are typically awarded many, many years after the service or events occurred.

- In other words, the origins of this rule related to the circumstances immediately after a major war and should not be applied to current requests that are made in quite different circumstances and refer to quite different medal types as those originally targeted by the civil servants immediately post-1945.

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- Civil servants have tried to add credence to this rule by referring as often as possible to it as a “long-standing” and “long- established” rule thus hoping to attribute to it longevity, some element of authenticity, and legitimacy. It is a misleading claim.

Here is a classic example that demonstrates just how little those who try and apply the rule (if it actually exists in any formally documented instruction) actually understand it:

- A Cabinet Secretary’s Embarrassment

A Cabinet Secretary (who is very close to the decision-making regime) once told a Suez veteran that a medal could not be considered because it had been rejected in 1956, a statement that was not correct, we now know. It would have meant that the 5-year clock had to have started on the opening date of the Suez campaign in .... 1956. That would be a nonsense.

Even if it could be shown to exist as having been formally approved by a Sovereign (who is known to want to approve all rule changes), here are just some examples when the five-year rule has not been applied, starting with the aforementioned Suez medal:

Suez Canal Zone

A classic example of this supposed rule being used and abused by the MoD, FCO and HD Committee is the Suez Canal Zone medal. Various parties lobbied for this award that was justly deserved but was judged to be so politically incorrect as to be withheld for 50-odd years.

But the justice of the case could not be denied forever by the Government Departments and HD Committee and eventually they found a way out of their dilemma by declaring that they could disregard the 50 year delay because there was no evidence that the medal had been considered by any previous HD Committee or by the Chiefs of Staff at the time of Suez.

This is another example of civil servants making up the rules as they go along to suit their needs at the time. It is a clear case of convenient semantics and should have had no bearing on the issue of an award that was so justly deserved.



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If the MoD, FCO and HD Committee wish to achieve uniformity in their thinking, then they should apply the same 5-year interpretation to the PJM. It is no good them saying that they have adapted the rule for the Suez medal on condition that such adaptation is not used again in the future. We have commented elsewhere in this rebuttal about the need for flexibility to take account of changing circumstances and unique situations such as the PJM.

Quite simply, the PJM has never been considered before and, being a Foreign award, the HD Committee is not troubled by questions as to whether British Chiefs of Staff ever considered the award (how could they?), and so there is no tenable reason why the so-called 5-year rule should apply to it.

- If these rules are long-standing and oft-employed, those involved and those very close to those involved would understand the basics.
  
- This example demonstrates how little those who make recommendations that touch on the lives of ordinary people, and that affect loyal veterans, understand the effects of what they are doing.

Here is another example of a more recent example of the so-called 5-year rule being broken:

United Nations Special Service Medal with bar UNOCHA (Humanitarian Aid)

This service to which this medal relates ended in 1990 but the medal was not authorised until 1997, seven years after the end date.

And here are the two most stunning examples of the absence of a five year rule or, if it formally exists, the breaking of it:

The Russian “40<sup>th</sup> Anniversary of the end of the Great Patriotic War Medal”

The Russians offered this medal in 1985 to all those employed in Russia or on the re-supply convoys. Often referred to as the Arctic Convoys, it should be noted that the award is not limited to those on the Arctic Convoys - others are also eligible.

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- The FCO rejected this medal (Anthony Wedgwood Benn said this was because we were supplying the Soviets - and that was seen by the FCO as being politically incorrect).
- But ten years after the medal had been rejected, it was accepted by the Queen (unrestricted - so it could be worn) “in view of the changed position of and progress made by the Russians”, i.e. on the grounds of the changed political circumstances in Russia.
- The unrestricted acceptance was approved 50 years after the event (by then, all had received the 50<sup>th</sup> Russian Medal and have since received the 60<sup>th</sup> Anniversary).
- The application and interpretation of so-called rules in this ad hoc manner is neither reasonable nor logical. And, in any event, if a Russian medal can be awarded in this fashion, then why reject a request from a Commonwealth ally, particularly one that is predominantly Islamic, and moderate, and is supportive in today’s war on terror.

In the same year, the British accepted another medal for service that was carried out than 5 years before:

The Malta “GC 50<sup>th</sup> Anniversary of the end of the War Medal”

On the basis that the assertion that a 5-year ‘rule’ exists, this request should have been rejected. It was not. No reason was given for this unrestricted recommendation (the medal was approved by the Queen for unrestricted wear) that flies in the face of a 5-year rule as well as being a clear case of double medalling (together with the Africa Star). It is only conjecture, but many think it was another political decision at the behest of the FCO (and perhaps others) in the year that the Queen made a formal visit to Malta.

*If the British campaign medal, the “Suez Canal Zone”, and the Russian 40<sup>th</sup> Anniversary medal, and the Malta 50<sup>th</sup> Anniversary Medal, can be granted unrestricted acceptance (so the medal can be worn) so many years after the event or the service was carried out, why cannot the Foreign commemorative service award, the Pingat Jasa Malaysia, also be given a similar recommendation?*

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**17. Commemorative Medals**

The PJM has been described in the Ministerial Statement as a Commemorative medal. We accept it is understandable that considerable confusion exists when, as in the case of the PJM, one endeavours to differentiate between campaign service and commemorative medals.

The following is a list of some examples of what we believe to be Commemorative medals - *and Commemorative medals that have been given unrestricted (to wear) acceptances:*

Brunei:

The Brunei Silver Jubilee Medal is a Commemorative Medal and has unrestricted permission to be worn.

South Africa:

The UNITAS Medal is a Commemorative Medal and has unrestricted permission to be worn.

Iran:

The Iranian Coronation Medal has unrestricted permission to be worn.

Oman:

The Accession Medal (1970); 10th; 15th; 20th; 30th; and 35th National Day Medal have all been granted unrestricted (for wear) recommendations.

Nigeria:

Independence Medal in 1961 for service on 1<sup>st</sup> October 1960 has unrestricted permission to be worn.

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**18. More Anomalies**

To illustrate further the anomalies that have been built into the system, it is helpful to consider those medals that have not been awarded for reasons that have never been confirmed.

*These anomalies illustrate the thinking behind many medal recommendations. Far from being independent, logical, focused on the award itself, and considered within the Honours System, many decisions are entirely political and recommendations are essentially encouraged, if not actually made, by Civil Servants based on their own agenda.*

Here are some examples:

Bomber Command:

Bomber Command suffered more casualties than any other Command if numbers are taken in proportion, but there is no Bomber Command medal. Why? As these matters are dealt with secretly within the “Honours in Confidence” system we shall never know for certain, but we are comfortable that it was considered to be not politically correct. The excuse used to deny a Bomber Command medal is that the Air Crew Europe Star is available, but that award does not reflect the identity of Bomber Command, nor its particular sacrifice.

Arctic Convoys:

Much the same approach was applied to the Arctic Convoys where men suffered hardship that only they can understand. Arctic service was specifically covered in the award of the Atlantic Star, but we now know (from a televised interview with Anthony Wedgwood Benn) that the medal was denied because immediately after the war it was not seen as being politically correct to publicise any regard we may have for the Soviets whom the convoys supplied.

Tony Blair tried to rectify the situation and said a medal would be awarded, but the medal turned out to be a badge. Presumably the Civil Servants who took the matter out of the Prime Minister’s hands (for that is the power they have) influenced that decision.

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Never themselves having seen service, perhaps they did not understand the difference between a medal and a badge and the deep significance of that difference to service personnel. Or perhaps they were just being stubborn about the medal itself - and stubbornness is one attribute that pervades throughout these matters. Much of those circumstances apply to the PJM - including the obdurate stance of many within 'the System'.

- The Distinguished Service Order (DSO) is an example of the attitude of stubbornness to which we refer. This Order was awarded for acts of bravery and sat between the Victoria Cross and the Military Cross. What distinguished it from the two Crosses is that it could not be awarded posthumously. Why? Because it has the attribute 'Order' and was listed amongst Orders. Clearly, 'Orders' generally are not appropriate as posthumous awards but, instead of allowing the DSO to be moved to another column in their records, the civil servants were intractable and insisted that an Order is an Order - so the DSO was never awarded posthumously.

Then there are examples of political involvement.

1939-1945 Star:

The 1939-45 Star was awarded for 180 days on operations with certain exceptions for particular campaigns (e.g. short commando operations when it was awarded for 1 day's service).

But, on close examination of the '1 day' operational areas, it can be seen that the Star was awarded in areas that by no stretch of the imagination were 'particular' e.g. Iraq, Madagascar, Persia, Syria, and India (North West Frontier). Surely the 180 criterion should have applied.

So why just 1 day to qualify? Was it just a coincidence that the enemy in areas like Syria and Madagascar were the Vichy French? And so is another political involvement in our Medal system suggested?

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Greece:

Did the Foreign Office unduly influence the decision not to award a medal to those who served in Greece during the Greek Civil War in 1945-46? Both the 1939-45 Star and the War Medal 1939-45 were awarded at the beginning of the war and the Italy Star towards the end but, if you entered the area after 2nd September 1945, you received nothing.

Berlin Airlift:

A medal was not awarded for operations that comprised “The Berlin Airlift”. Was this because the Foreign Office was afraid to highlight the Cold War in all its starkness? A blockade around territory for which we were responsible was set up - men and women risked their lives breaking it and, indeed, some RAF air-crews lost their lives. But the political imperative would deny them any acknowledgement of their service,

Jebel Akhdar War:

The Jebel Akhdar War in Muscat and Oman is mentioned elsewhere in this rebuttal. Those involved ultimately got the more widely available “Arabian Peninsula” clasp to the GSM. As Colonel Smiley says scathingly, in his book Arabian Assignment, “a distinction they might share with every desk-bound clerk in Aden or Bahrain.”

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**19. Foreign Medals - Record Checking and Keeping**

The British Government have said that under no circumstances will they check applicants’ service records to verify eligibility for the PJM despite such checks being requested by the Malaysians. Therefore, no record will be made on each applicant’s records to demonstrate he or she has received the medal.

- The Ministerial Statement tries to make us believe that there is some integrity in this PJM ‘acceptance’. The Queen may think She has approved acceptance of a medal but in reality, and behind the scenes, the British Government has not formally accepted a medal at all - it has reduced the PJM’s status to that of a souvenir.

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- The writer was advised by a civil servant in the MoD that applications had been held up for months because the MoD did not know how to phrase the covering letter to be sent with the application forms - words that would inform the Malaysians that the British Government did not consider the PJM merited records being checked and so the Malaysian request, that they be verified as part and parcel of the application process, would be disregarded. *Subsequently the MoD issued another explanation - the delay was not caused by the MoD ... it was caused by the very Associations the MoD had recruited to do the MoD's work and to pay the MoD's costs.*

It is also relevant to ask "Why all the fuss?". The FCO does not keep any records, by holder's name, of Foreign awards whether they can be worn or not. They may have some one-off records, but their policy is to record these awards not by name but by event, e.g. State Visit.

- The FCO simply do not know who has permission to wear which medal and so cannot check on an individual's entitlement (the same will apply at the MoD regarding the PJM).

We know that very many civilians have received the Queen's approval to wear a Foreign decoration, but we are unable to be more specific about these numbers (which would support the case for the PJM) because of the absence of meaningful records at the FCO.

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## **20. Formal Permission**

The interpretation of the recommendation has led to conflicting advice as to whether the medal can in fact be worn:

*We have now been told in writing that it is up to individuals whether they wear the PJM. We do not accept that 'advice' because, acting on the original recommendation, we are told the Queen has withheld formal permission for the medal to be worn by British citizens. To wear the medal without the Queen's permission would be a grave discourtesy to Her.*

The contradictions and anomalies arising from this recommendation abound. The recommendation states that "Permission to wear the PJM will not, however, formally be given".

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These are some of the interpretations we have received:

- The Queen has approved the acceptance of the PJM on condition that it is not worn.
- The wearing of non-British awards is not policed, and it is a matter for the individual concerned whether they wear a non-British award without authority.
- It should be borne in mind that there are no laws governing the accepting and wearing of non-British awards by British nationals.
- For an ex-serviceman to wear a medal without having permission to do so would be a grave discourtesy to the Queen.
- One senior retired member of the Armed Forces said that he would wear his PJM. He felt entirely justified in so doing because he saw the words in the Statement as meaning that it was the civil servants who had not given permission and not the Queen. He simply could not countenance the thought that the Queen would withhold permission for an honourable medal like the PJM to be worn by loyal veterans.

It can be seen that there are a number of threads to these definitions. One thread is very formal and tells us the Queen has accepted the medal on condition that we do not wear it. This leads to any such wear being a grave discourtesy and then, in turn, we have been told the words have been carefully chosen to give a 'nod and wink' telling us that it is up to the wearer if they choose to wear the PJM.

The one thing we have not been given is a definition of the words in the Statement that imply that some sort of permission exists but it is being withheld. We understand that the lack of clarity is because there is no such definition in any rule book. The form of words in the Statement, and the subsequent attempts at its explanation, were dreamt up by civil servants who were trying to produce a compromise that could be 'sold' to the general public but those same civil servants do not understand the predicament in which veterans now find themselves as a result.

We are also concerned about the constitutional and legal implications of some of these statements. For example, we have Ministers of the Crown telling us that civil servants are withholding a right because, or despite the fact that, there are no laws governing the wear of medals like the PJM.



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Are we really saying this:

- That such matters are dealt with by The Queen on advice from Her Ministers but actually she acts on the advice of the HD Committee and not on that of Her Ministers; and
- that the HD Committee are actually acting on their own discretion having received advice only from civil servants within Government Departments, in secret; and
- as advised by the Cabinet Office, the HD Committee is answerable to no-one except the Queen; and
- we are told that the HD Committee will never discuss their recommendations - not with us, not with anybody, not even Ministers?

*Is this constitutional? Is it legal? Is it equitable? Is it democratic? From which element of this chain can a British citizen seek redress to try and rectify a wrong he or she believes has been committed?*

In any event, this whole situation is simply not tenable and arises from a confused and confusing recommendation.

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## **21. Dual Nationality**

This is an anomaly that affects many ex-servicemen and women.

We have been told categorically that British citizens must not wear the PJM. The medal was approved by the Queen on condition that it would not be worn. To wear it would be a grave discourtesy to the Queen.

But where does that leave those with dual nationality who now live in Australia or New Zealand? The Queen has apparently said they cannot wear the medal when standing next to their fellow countrymen and women who can wear it.

*But despite what we are told the Queen has said, the Cabinet Office also advises us that it is really all right for those of Dual nationality to wear the PJM in their new country of residence. Is this correct or appropriate advice? If it is correct it should have been embodied in the Ministerial Statement.*

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- What happens when a person with dual nationality returns to the United Kingdom? If that person had accepted the Cabinet Office advice, at the risk of that advice leading to a grave discourtesy to the Queen, and had gone to the expense of having the PJM attached to their medal bar to wear in their new country of residence, will that person while in the UK have to go to further expense and have the PJM removed and the medal bar rebuilt? And then rebuilt again when they return home? The situation is ludicrous - and expensive.
- And so we now have the position that the recommendation discriminates not only between Nations within the Commonwealth, but also between the citizens of one country within the Commonwealth.

*In the case of British citizens, we all earned the medal together as British citizens but only those who stayed in Britain are refused permission to wear the medal. Those who have moved abroad can wear their medal - according to the Cabinet Office. This is clearly a ludicrous and untenable situation.*

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## **22. Consideration Given to the PJM - Lack of Facts**

We submit that the HD Committee did not have sufficient information in front of them when considering the PJM. Government departments did not provide a full and balanced set of facts, nor any meaningful assessment of the likely impact of the recommendation, and much of what was input to the HD Committee was specifically prejudicial to the PJM being given an unrestricted recommendation. Furthermore, insufficient consideration was given to the PJM in the context of today's needs.

The MoD did not have the basic eligibility criteria, they now say. They actually produced their input to the HD Committee without knowing the terms of the award that the Malaysians wished to offer.

For many months we tried to obtain confirmation of the PJM eligibility criteria for British citizens (the initial information published on the MoD Veterans Agency web site was clearly different to that on the Australian and New Zealand offers) and it was only after the writer telephoned the MoD in early May (over three months after the Ministerial Statement) that we were advised that the MoD did not have that information but would endeavour to obtain it. A copy was sent to the writer the next day, on the 10<sup>th</sup> May.

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- Our question is - How was the MoD able to make a meaningful contribution to the discussion (and we know they were supposed to - after all, 25% of the HD Committee are from the MoD) when they did not know the terms of eligibility for the award they were discussing? *The PJM simply did not get a fair hearing.*

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### **23. Risk and Rigour**

There is no consistency in attitude to the British medal criterion of ‘risk and rigour’ and its application to Foreign decorations like the PJM.

It is our view that ‘risk and rigour’ should not be a criterion applied to the PJM - indeed, the fact that casualties on all sides were restricted as far as we were able, and that is the main reason the campaigns were successful, seems to us to cut across any accusation that there was not enough danger or blood spilled.

Some Government Departments now confirm that ‘risk and rigour’ is not a criterion for a Foreign decoration and should not be applied to the PJM. But we still see reference to it.

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### **24. It will cost the UK nothing**

Although this may not be readily acknowledged by Government Departments, costs do come into the medal recommendation equation. We know, for example, that when considering requests for wearable medals in respect of those on secondment and in respect of Independence Medals, the country that pays the person’s salary or pays the cost of the medal is typically a factor that the FCO takes into account. If the person is on the British salary roll, then requests are likely to be turned down.

- Malaysia has confirmed that it will pay the costs of producing the PJM. Therefore there is no reason why the medal should be rejected on costs grounds

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**25. Churchill's Dictum**

The writer shared the following quotation with an MoD civil servant:

“The object of giving medals, stars and ribbons is to give pride and pleasure to those who have deserved them. At the same time a distinction is something which everybody does not possess. If all have it, it is of less value. There must, therefore, be heart-burnings and disappointments on the borderline. A medal glitters, but it also casts a shadow. The task of drawing up regulations for such awards is one which does not admit of a perfect solution. It is not possible to satisfy everybody without running the risk of satisfying nobody. All that is possible is to give the greatest satisfaction to the greatest number and to hurt the feelings of the fewest.

The Prime Minister. (Mr Winston S. Churchill). 22nd March 1944.”

The civil servant from the MoD used the quotation in the context of his work “The task of drawing up regulations for such awards is one which does not admit of a perfect solution”.

What he did not mention is that Churchill did not adhere to his maxim and broke the rules to suit himself, e.g. when arranging a special and unauthorised riband for General Alexander's Africa Star (one with both an '8' and a '1' on it) - and then, when presenting to the General, handed a spare Star and riband to General Eisenhower who was at the presentation!

*Our point arising from this quotation is that the last sentence of Churchill's dictum is entirely relevant to the PJM - it supports our position that the PJM should be wearable because the majority of those eligible for the award do not have a British medal (and very many do not have any medal at all) and are very disappointed that they still do not. Furthermore, because it is awarded for service in protecting the newly independent nation and does not discriminate between those who served in that period, by definition all are included and it is fair to everyone - and nobody's feelings are hurt.*

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**26. Fairness to All**

Because of the disinformation regarding double-medalling and the PJM, some people have adopted the view that to award a wearable PJM would be unfair to others who “have only got one medal”. We would respond:

- This is an illogical analogy in the world of medals. It is simply not possible to make that judgement across the board.
  
- As pointed out above, the majority of those eligible for the PJM do not have a British medal or, for many, any medal at all.

and

- The PJM does not discriminate. It is available to all those who served the newly independent nation between the given dates. This medal is fair to all.

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**27. Support**

*In the light of the accumulated new evidence and emerging effects of the recommendation, many thousands of people all over the world now support our case for the medal to be worn by British citizens. Indeed, one member of the Government had changed his mind to the extent that he had decided to make the case for the PJM to be worn. This indicates a fundamental change in attitude since the Ministerial Statement in January.*

There is considerable support for the right to wear the PJM underlining that we have a sound case for a just cause:

- From most ranks of the Armed Forces from Field Marshal, Generals, Brigadiers, Admiral and commanders of units that served in Malaysia.
- From highly decorated servicemen.
- From many MPs.

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- From many well known personalities (see attached list for some of those who support us).
- From Lord Healey, the Defence Minister in the last years of Confrontation, who has specifically requested the 'not to be worn' recommendation to be reversed.

And that support is growing daily.

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### **28. Changes of Mind**

Many people who originally either supported or were taciturn about the recommendation withholding permission for British citizens to wear the PJM have changed their minds since the new evidence and the effects of the application and interpretation have emerged.

Many of those who accepted the Ministerial Statement at face value have now re-considered their position having given further thought to the recommendation and to all the additional and new facts that have since come to light. They include:

- From the Government, Mr Don Touhig MP (ex-MoD Veterans Minister) who was about to write to the HD Committee making the case for the PJM to be worn.
- From the Opposition, the Rt Hon Michael Ancram QC, who has looked at the evidence through a barrister's eyes and supports our case.

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### **29. Accumulated Effects are a New Factor**

In rebuttals it is accepted that while points may be raised individually, it is also the totality of the content of a rebuttal that may itself be offered as a relevant consideration to be taken into account

- The strength of feeling about the recommendation and the Ministerial Statement, and the global support that the campaign for the right to wear the PJM has attracted, has led to some 35,000 visits to our web site in just four months. That number is growing rapidly and daily.

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- In addition, in order to cope with the workload arising from the ever-growing interest and support, we are represented in Canada (to include the USA), Australia (to include New Zealand), Malaysia, Scotland, Northern Ireland and four in England.
- This rebuttal contains a considerable amount of information that serves to demolish the basis of the recommendation and the Ministerial Statement.
- Furthermore, this rebuttal contains a considerable amount of new information that was not available to the HD Committee at the time of their discussion.

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### **30. A Changing Medallic Climate**

The impression is given that the issuing of British medals has followed a “long-established” pattern categorised by their scarcity and therefore to be all the more valued. This is not so. Whilst it is important to protect the integrity of British medals, the British medallic world has changed and continues to change without in any way impinging upon that integrity.

Attitudes to medals have changed - radically - over the last 20 or 30 years. In the 1960’s when those eligible for the PJM were in uniform, it was most unusual to see someone in the Armed Forces with more than one row of medal ribbons. Most of those servicemen and women had none. Many just one or two medals having seen service over a long period of time. Now it is not uncommon to see relatively young members of the Armed Forces with two rows of medals:

- Our interests in Oman have led to *three* campaign medals being awarded that can be worn by British citizens: GSM Dhofar; As Sumood; and Peace.
- And a further *eight* commemorative medals that can be worn by British citizens are: Accession 1970; 10<sup>th</sup>; 15<sup>th</sup>; 20<sup>th</sup>; 25<sup>th</sup>; 30<sup>th</sup>; and 35<sup>th</sup>.

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- Since the problems in Northern Ireland flared up again in 1969, there have been many clasps, at least *seven*, that have been added to the General Service Medal 1962. But, since General Guthrie apparently said “Get medals on chests”, there have been *a further six* campaign medals issued: South Atlantic; Gulf; OSM Sierra Leone; OSM Afghanistan; Iraq; OSM Congo ... plus the previously referred to double-medalling Accumulated Campaign Service Medal which can cover 37 years and provide a multitude of clasps.
  
- In addition, there are *five* NATO medals that can be worn by British citizens: Former Yugoslavia; Kosovo; Macedonia; Non-article 5; NTM - Iraq.
  
- Then there are the *eighteen* UN medals that can be worn by British citizens: UNFICYP; UN SSM - UNCHOA; UNTAG; UNIKOM; UNOMIG; UNAMIR; UN SSM - Former Yugoslavia; UNAVEM III; UN SSM - UNSCOM; UNAMSIL; UNMIK; UNTAET; MONUC; UNMEE; MINURSO; UNAMIC; UNPROFOR; UNTAC.
  
- Then there are the European medals that can be worn by British citizens: ECMM; WEUM; ESDP.

*So why pick on the honourable PJM - one medal that covers a full nine years - one medal that is the only medal for most of those eligible for the PJM?*

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### **31. Conclusions**

The current system relating to Foreign awards is unfair and illogical. It is overshadowed by the discredited double-myth of double-medalling and the 5-year rule which have been shown to be transparently deficient and designed to support the denial of medals to ordinary people, in our case veterans, rather than support the facts surrounding the medal request from the Malaysians.

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### **32. Summary**

Whilst there are many difficult aspects associated with decisions on awards, they can be overcome if those who make the rules and recommendations adopt a more open mind and look at today's needs rather than be fettered by what has, or has not, happened in the past.



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We need to apply coherent rules that are relevant to this country's new role in the global world in which we live. A world dominated by a current war on terror. A world in which we should encourage camaraderie between nations, not set one apart from another - Commonwealth nation from Commonwealth nation, Islam from other beliefs.

In the context of the celebrity world that has also emerged, celebrities and sports people receive more and more awards while those for ordinary citizens have actually been reduced in number for civilians, including for civilian veterans. Are we to allow that decline to continue with the PJM?

The medals system touches on the lives of ordinary citizens and it should therefore be applied with care and in context. Neither has happened in the case of the PJM.

- What possible harm can the accepting and wearing of that PJM do to the Imperial Honours System?
  
- What possible harm can it do to allow veterans the right to wear their medal with pride?

John Major started on the road to a classless society as far as medals are concerned and Mr Blair endeavoured to continue that pattern but, at the end of the day, there are fewer rewards for the man and woman in the street, and more for the privileged and the elite.

The effect of the PJM recommendation is to deprive a group of veterans from the 1950's and 1960's, ageing civilians, a little bit of pride for the service they so willingly gave - and that has led to a considerable amount of sadness and bitterness.

It was the New Zealand Defence Minister, Mr Burton, who said:

“The primary purpose of medals is to provide a public recognition of service to one's country. Unfortunately successive governments have ignored the sincerely held belief of personnel who believe their service had never been properly recognised. This government recognises the debt that all New Zealanders owe to our veterans and is pleased to address these medallic grievances.”

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Does the British Government have the same humanity and sense of duty to enable them to find the political will to overcome bureaucratic obduracy to enable the PJM to revert to what it always should have been - an honourable award for honourable service by honourable men and women - and one that can be honourably worn?

We believe that this rebuttal contains more than sufficient means for the Government to take steps to rectify this wrong and encourage an amendment to the recommendation and to the Ministerial Statement - and for them to make the case to members of the HD Committee, and via them to the Queen, for the Pingat Jasa Malaysia to be worn by British citizens alongside their Commonwealth ex-comrades in arms to whom the Queen has already granted that right.

**Barry Fleming**

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**Members of the Team leading the fight4thePJM who have produced this Rebuttal**  
**They are all Malaya-Borneo Veterans and are from three Services**

**John Feltham**

Ex-Royal Air Force  
Australia and New Zealand  
John.Feltham@fight4thePJM.org

**Hamish Waters**

Ex-Army  
Australia (Southern Region and Victoria)  
Hamish.Waters@fight4thePJM.org

**John Gordon Fenton**

Ex-Army  
Canada and the USA  
John.Fenton@fight4thePJM.org

**Andrew Nicoll**

Ex-Army  
Great Britain - Scottish Region  
Andrew.Nicoll@fight4thePJM.org

**George Fleming**

Ex-Royal Navy  
Great Britain - Northern Ireland Region  
George.Fleming@fight4thePJM.org

**Paul Alders**

Ex-Royal Air Force  
Great Britain - Midlands Region  
Paul.Alders@fight4thePJM.org

**John Cooper**

Ex-Royal Air Force  
Great Britain - Eastern Region  
John.Cooper@fight4thePJM.org

**Gerald Law**

Ex-Royal Air Force,  
Great Britain - Southern Region  
Gerald.Law@fight4thePJM.org

**Barry Fleming**

Ex-Army  
Great Britain - Wales and Northern Region  
Barry.Fleming@fight4thePJM.org

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