



MoD Medals Review – The Pingat Jasa Malaysia (PJM)

I write in response to the invitation of Lt Col G V de la F Woyka RHG/D for submissions to be lodged with the MoD Medals Review by veterans' campaign groups.

As Founder Member of the campaign seeking official permission for the PJM to be worn, the Fight4thePJM, I make this submission on behalf of The Committee and All Members to the Chairperson and Board of the Ministry of Defence Medals Review.

This submission has the support of our Patrons Dame Vera Lynn DBE LLD MMUS and Bill Speakman-Pitt VC.

[Signature]

Barry Fleming

Founder Member, Fight4thePJM,

On behalf of The Committee and Members

[Full address and contact details given]

28 June 2011

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Dear Chairperson

1. Introduction

1.1 The Medals Review will be fully aware of the background to the Pingat Jasa Malaysia and its position in relation to this Ministry of Defence (MoD) review. We would only add that we understand that the current Medals Review is a MoD review and that the MoD is not responsible for the administration of the PJM – this Foreign Award is administered by the Foreign and Commonwealth Office (FCO).

1.2 However, the MoD did take part in the original tri-partite Departmental discussions and it did make a recommendation to the HD Committee. Further, in its draft report following the review it carried out earlier this year, the MoD concluded that there was no case for recommending to the HD Committee that it reviews its decision on the PJM. The MoD came to that conclusion having heard only from one side in what the Review Report refers to as “The Discussion”. Specifically, they had not heard, and so were unable to consider, what veterans had to offer to the debate.

1.3 It is the totality of our case that we wish to bring to the Board’s attention. In our view an overwhelming case exists that does provide very strong reasons for the MoD to revise their draft conclusion and for them to refer the matter back to the FCO and to the HD Committee. Our submission to the Review will show where the ‘evidence’ so far produced is not only inadequate but is also in places misleading. Needless to say, we can corroborate everything that we submit and are perfectly happy to present our facts in front of, and for examination by, the Review board and the Departmental Civil Servants.

1.4 As mentioned below, we wish to emphasise that we are not requesting a medal. We have never sought or expected a medal. The PJM was conferred on eligible men and women, military and civilian, by Malaysia and with The Queen’s permission.

1.5 We have received copies of two parts to the draft report on the Medals Review and these are addressed next.

2. Response to the Draft Review Report Part Two – Principles Underpinning the Award of Medals

2.1 This Part of the draft Review report refers to the UK’s approach to the award of UK medals for operational service. As such it is not material to the considerations that apply to the PJM, which is a Foreign award.

2.2 Where issues such as the Double Medal Rule and Five Year Rule have been brought to bear on this Foreign Award, we address them.

2.3 Risk and Rigour cannot be a principle that applies to a Foreign award for service.

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2.4 Where reference is made to medals being earned with a suggestion that they should not be expected, we would agree with that view. The PJM was not expected, of course, but it was earned. It was never requested.

2.5 The Fight4thePJM campaign has never sought a medal and is a single issue campaign seeking acknowledgement that we have the right to wear a medal that has already been conferred.

3. Response to the Draft Review Report Part Five (sections 5.32 – 5.37 – Pingat Jasa Malaysia)

3.1 This section is in respect of “Veterans Campaigns for Medals for Past Service” – we have been given only the section in respect of the PJM.

3.2 The title of this section suggests campaigns for the institution of new medals for past service. The PJM already exists. As stated in Section 2, the Fight4thePJM campaign has never sought a medal and is a single issue campaign seeking acknowledgement that we have the right to wear a medal that has already been conferred on eligible ex-servicemen and women and civilians.

4. A Summary of Our Case

4.1 Specifically, the Fight4thePJM will show that the PJM recommendation contained in the Ministerial Statement of January 2001, is confused, conflicting, flawed, and contrary to the Military Covenant. The Statement specifically does not state that The Queen has said that the PJM cannot be worn.

4.2 We will show that the two Foreign Medals Rules that are relied on are neither longstanding, nor have they been applied consistently. It is our contention, based upon what Departments have said to us, that the two rules that were applied to the PJM were applied initially for cost and political expedience rather than for any clearly defined and consistently applied medal principles. The MoD have said that the cost of checking records and distributing the PJM were issues for them – they also said that they had problems dealing with applications for the new Suez Medal and checking 35,000 applications for the PJM would only add to their burden. The FCO use a Freedom of Information Act exemption to prevent the disclosure of why they were against the PJM – they said that if that information entered the public domain it would be prejudicial to our relations with Malaysia.

4.3 The Double Medal rule could not have been an over-riding consideration because the majority of those eligible for the PJM are not eligible for a British medal.

4.4 We have examples of medals awarded more than five years after the event (the five year rule). We also have an example of how the same Departments that rely on those rules recommended to Buckingham Palace in 2010 that a man be allowed to both receive and wear a Malaysian Medal for precisely the same service which made him eligible for

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the PJM. He also has a British Campaign medal. Thus we have a triple medal for which the man was granted Unrestricted Permission to wear.

4.4 Promulgated via our elected Parliament, the Ministerial Statement imposes a restriction on the rights of private citizens, i.e. ex-servicemen and women as well as civilians (the PJM is not restricted to military personnel) who are no longer Crown Servants, and we are advised that that is contrary to European Law – possibly even the laws of this country. Our contention is that such a notice promulgated in this way is also contrary to the spirit of the Military Covenant.

4.5 In Parliament, the recommendation has been referred to as 'shameful' and even the FCO Minister who promulgated that Ministerial Statement is now supportive of the right to wear the PJM saying that he wants an end to the "official nonsense".

4.6 We submit that the MoD should review and amend its conclusion that it sees no case to refer back to the HD Committee and that it should address the Military Covenant to rectify the shameful treatment meted out to British veterans.

5. The Fight4thePJM Position

5.1 We would like to highlight some key points underlining why the Fight4thePJM is in a unique position to present facts, duly corroborated, that have not yet been considered, or, where they have been presented, they have not yet been properly addressed:

5.1.1 Our Campaign - Fight4thePJM is a single-issue campaign and has no political or other affiliations. We have many thousands of supporters around the world. Our campaign was launched when we were told that medal rules had been set aside so that the PJM could be accepted, and then the same rules were invoked to stop the medal being worn. In Parliament, and supported by MPs from all parties, the 'ruling' by the HD Committee was called bizarre and MPs said that it not only brought shame on this country in its relations with Malaysia but it also treated shabbily ex-servicemen and women.

5.1.2. Permission - The Queen has given permission for the PJM to be worn temporarily in Malaysia and a Royal Warrant published in the London Gazette on 3rd May, 1968, gives royal assent to UK citizens, not being crown servants, permission to wear, unrestricted, all foreign medals which have been accepted.

5.1.3 We are not chasing medals - Contrary to the statements in the Extract from "Part Five – Veterans Campaigns for Medals for Past Service", Fight4thePJM specifically is not seeking, nor has it ever sought, a medal.

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5.1.4 The Will of Parliament - Our case has received significant support from all parties in Parliament. Five EDMs that attracted a total of 396 signatures, and a 10 Minute Bill that was sponsored by cross-party, highly regarded, MPs.

5.1.5 The Ministerial Statement - The FCO Minister who presented the inconsistent PJM Statement to Parliament now supports our case and wants an end to the 'official nonsense' as he refers to the ruling, so that the PJM has official recognition for wear.

5.1.6 The Royal British Legion – We have the unanimous support of the Royal British Legion for our cause, as we do of many Regimental Associations.

6. Why We Hope For a Personal Presentation to the Review

6.1 While presenting this submission, we would also request a personal appearance in front of the Review Board and the independent Chairman by a member of Fight4thePJM. All we have ever asked is that we are granted a fair hearing – we have never had one. We have very good reasons for this request. For nearly five years, we have tried to put forward our case but the points we raised have never been adequately addressed. They have at times been smothered and misrepresented in carefully crafted briefings to MPs, the media and the public. Sometimes, key papers have been lost:

6.1.1 Example 1 - We were invited by Buckingham Palace to deliver by hand to the Palace a Fight4thePJM Petition to HM The Queen. We did that and were advised in writing by the Buckingham Palace Senior Correspondence Officer that The Queen had read our Petition and that at Her request it had been sent to the Foreign Office, the Department dealing with the matter. It disappeared, presumably within the FCO. It had been signed by representatives of the Fight4thePJM and by two VC's who were our Patrons (one still is, the other has died). We would stress that we are all ex-servicemen and women who are loyal to The Queen and our Petition reflected that undying loyalty.

6.1.2 Example 2 - In the context that other correspondence was being 'lost' including that from The Queen, we arranged a personal meeting with the then Veterans Minister on the grounds that if we wrote to him, our correspondence would simply be forwarded to one of the Civil Servants involved in producing the discredited PJM statement and that he would never see it. He agreed to meet us and at the end of the meeting, having acknowledged that he had not been made aware of all the facts of our case presented to him by us that day, he said he would write to the Foreign Secretary on our behalf. We told him his letter would never arrive. He said it would because it was Minister to Minister. It didn't. If it did arrive at the FCO, like the Petition, it became one of the 'disappeared'.

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6.1.3 Example 3 – The PJM Statement was made in January 2006. We were advised in May 2006 that the MoD were hoarding hundreds of applications. We telephoned the MoD and discovered that they were in a cupboard in Richard Coney's office (DS Sec – Honours 1).

6.2 Key evidence that we have submitted has typically turned up on the desks of the Civil Servants where it has often been submerged or its intent and content misinterpreted. With that in mind, we very much hope that an independent Chairperson will rebuild confidence all round and bring even-handedness to bear on the PJM discussion and, if the Review wishes to consider in greater depth any of our key points, that we are invited to present that evidence in person.

7. The Coalition and the Military Covenant

7.1 A very important element of our case is the Military Covenant. We wish to highlight the conflict between the principles of the Covenant and the shabby treatment meted out to ex-servicemen and women as a result of the PJM recommendation and subsequent statements emanating from Government Departments.

7.2 The Military Covenant refers to the mutual obligations between the nation and its Armed Forces. "An informal understanding" that may soon become part of the laws of this country, it is now treated with great seriousness and is considered as a way of measuring whether the government and society at large have kept to their obligations to support members of the armed forces. In that context:

7.2.1 A senior civil servant at the Cabinet office promulgated a formal review of the PJM in which he stated that it was to be regretted that recipients of the PJM had not shown more gratitude for the PJM ruling – a ruling that waived rules so the medal could be received and then immediately invoked to stop it being worn while all other qualifying Commonwealth nations had been given The Queen's permission to wear their medal.

7.2.2 He also publicly stated that the Malaysian medal was not up to standard.

7.2.3 We believe these are inappropriate public statements in the context of the PJM Citation and the acknowledgement by Malaysia that clearly means so much to the Malaysian people. Those statements have undermined the self-esteem of ex-servicemen and women.

7.2.4 As has been quoted in Parliament by the MP who was Veterans Minister at the time of the PJM ruling, a holder of the PJM was told that he could put his PJM back in his Cornflakes packet for all the medal meant to the Civil Servant in the 'Honours/Medals' Section at the MoD (DS Sec – Honours 1).

7.2.5 On their public website, the MoD referred to us as 'disaffected veterans' because we were questioning the rationale behind the PJM ruling. They also inferred we were medal chasers.

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7.3 In our view, the PJM recommendation is evidence that the Covenant has fundamentally broken down and needs to be restored. This could be achieved in part, and in respect of ex-servicemen and women, through the amendment of the PJM Ministerial Statement in order to rectify the injustice and shabby treatment they have received, and to restore their self-esteem.

8. Our Lobby – Some Key Points

8.1 With the help of highly regarded medals specialists including those who advise the Royal British Legion, professional advisers and researchers, we have amassed a considerable amount of information over the last 5 years.

8.1.1 From the beginning the status of the PJM was not understood by the MoD, the FCO, or the Cabinet Office. It still isn't. Astonishing but, in our view, true.

8.1.2 From the beginning, for the MoD the cost of checking records and distributing the medal was an issue, as were resources that were employed with the new Suez medal, that they took into account when considering the Malaysian request. The total cost has had to be borne by ex-servicemen and women and by the Malaysian High Commission in London (it is on their budget, not that of KL).

8.1.3 Departments continue to maintain that the PJM is essentially a campaign medal and therefore subject to Risk and Rigour and Double Medal Rule considerations. It is not. It is an award that is issued to individuals, service personnel and civilians, for service to Malaysia. It is still being awarded today for service to Malaysia well after 1966.

8.1.4 The PJM cannot be considered as a double medal because its terms of eligibility are quite different to those for any British medal. Many of those not eligible for a British Medal are National Servicemen who have no medallic recognition for their service to this country other than the PJM. Surely that consideration alone brings the Military Covenant into question sufficiently to warrant an amendment to the Ministerial Statement to the effect that the formal permission to wear the medal will no longer be withheld.

8.1.5 A double medal rule cannot apply to those not eligible for a British medal and the majority of those eligible for the PJM are not eligible for a British medal.

8.1.6 Departments quote the rejection of the Kuwaiti and Iraqi medals, comparing them with the PJM. They are not on all fours. The Kuwaiti and Iraqi medals are foreign campaign medals awarded for a specific military campaign. The PJM is a service medal unconnected with any specific military campaign as would be identified in a British Campaign Medal's eligibility terms. As mentioned already above, the PJM is still being awarded to individuals unconnected with the service in which we were involved in Malaysia and Borneo.

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8.1.7 Departments rely on statements about long-standing rules but fail to explain our list of some 30 recent double medals and we show how the 5-Year Rule has always been used for 'political' ends.

8.1.8 We will highlight fundamental inconsistencies in how they have applied their 'rules'. For example, Buckingham Palace, on the guidance of the FCO and Cabinet Office, has given permission for a man to both receive and wear a Malaysian Medal for precisely the same service 50 years ago that qualified him for the PJM.

8.1.9 We highlight the extraordinary manner in which the results of their inconsistencies impact on ordinary men and women and how they have reacted to that impact. For example, we pointed out that many British PJMers are now citizens of Australia and New Zealand (The Queen has given them permission to wear their medal) and so we asked what is their position when wearing their medal bar in the UK. We were told that they would have to remove their PJM – and rebuild their medal bar. Then re-build the bar again on return to their country of residence!

8.1.10 We were told by the FCO that Gurkhas could not wear their PJM in Nepal. This was amended when it was pointed out to them that it should not be possible for the UK to determine what private citizens of other countries do or not do in their own country. We are now told that those loyal Gurkhas can wear their PJM in Nepal but must remove it from their medal bar if they seek residence in the UK.

8.1.11 In order to be rid of us, we have been told by all departments that we can wear the medal if we want, but we have pointed out that in the month of the PJM Statement, and in advance of it, the MoD issued a DIN stating that it would be discourteous to The Queen for us to do so. Government Departments have said the same thing to us. We have asked for an explanation of their conflicting advice but have never received one.

8.1.12 We have asked for a copy of the PJM Recommendation. The FCO and Cabinet Office have obtained Freedom of Information Act exemptions to enable them not to do so. But the Ministerial Statement is inconsistent as to what The Queen agreed to – and even a member of the HD Committee subsequently could not confirm the position but could only refer to an 'implied' interpretation (that HD Committee member was the Queen's Private Secretary at the time and in both capacities should have been in no doubt).

8.1.13 The British Risk and Rigour principle or guideline cannot apply to Foreign Medals on all fours with the PJM. Indeed, the FCO have confirmed that in the case of the PJM the Malaysian Government is responsible for the classification of their medal, no-one else.

8.1.14 It would be disingenuous of the MoD (and the FCO and Cabinet Office) to suggest that their decision was based on clear cut rules and that the Statement was compatible with those rules. There was clearly concerns in the Departments about how their recommendation would be received because they delayed the

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Statement by a month in order that the first, wearable, PJMs could be presented in Australia including one to The Queen's Representative there.

8.1.15 The Foreign Medals Rules that were applied to the PJM were applied retrospectively in two ways. First, the Rules that applied did not come before Parliament until after the PJM request was submitted. Furthermore, the Foreign Medal Rules that have been quoted subsequently to shore up the PJM recommendation are rules that are applied to medal requests in advance of conferment, not to existing awards that exist such as the PJM.

8.1.13 This Review has been called because of the numerous inconsistencies surrounding medal decisions. We will give examples and respectfully maintain that the PJM decision is a clear example of a confused and inconsistent ruling – ***a ruling that Departments themselves agree is not catered for in the very rules they rely on!***

9. The London Gazette, May 1968

9.1 There is a London Gazette Notice that promulgates The Queen's wishes that if She says an award can be received then the recipient can also wear it.

9.1.1 Departments first rejected its application to the PJM on the grounds that in their view it does not apply to Crown servants. However, papers at the Public Record Office clearly show that the determining factor is that the recipient *was not a Crown Servant at the time the award was conferred*. For us that was 2006 and we were retired from Crown Service.

9.1.2 They then said that it didn't apply to us as a group – it only applied to individual awards. We cannot trace the basis for this. In any event, the PJM is indeed an award conferred on individuals, and is still being conferred.

9.1.3 Having been challenged on the first two responses, Departments then said that the London Gazette Notice did not apply to those eligible for the PJM because it was superseded by the PJM recommendation. We have been refused sight of the recommendation but, critically, the promulgating Ministerial Statement makes no mention of The Queen ruling that the PJM cannot be worn. In a paragraph separate from any reference to The Queen, the statement says that official permission for wear would be withheld (which implies that that permission exists). We do not know who is withholding that permission.

9.2 The Notice is extant and, according to our legal advisers, applies to those recipients who were private citizens at the time the PJM was conferred and as a consequence the PJM can be worn.

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10. Key Points for Consideration by the MoD Medals Review for Inclusion in their Report

10.1 We ask the Review to consider each of the points we raise above, the totality of our case, the Parliamentary and other support that we have, and then to recommend:

10.1.1 that the MoD revises its previous Review and now concludes that there is a case for referring this PJM matter back to the HD Committee;

10.1.2 that the FCO Ministerial Statement of January 2006 be amended to the effect that formal permission to wear the PJM is no longer withheld in respect of eligible British citizens;

10.1.3 that the MoD recommend to the FCO that the Foreign Medals Rules and Procedures be reviewed in order to establish consistency within a revised Honours System that is accountable to Parliament but not influenced by it;

10.1.4 that the MoD reaffirms its support for the Military Covenant by in turn supporting ex-servicemen and women in the matter of the PJM;

10.1.5 to avoid inconsistency of interpretation and application in the future, that Honours, awards and medals to British citizens be effective from the date conferred and not from the eligibility date;

10.1.6 to encourage transparency and accountability in the British Honours System, that each lead Department and the Honours and Decorations Committee report annually to Parliament on their activities and recommendations in respect of Foreign Honours, awards and medals involving British citizens – as was stated in Parliament, the Intelligence and Security agencies have to report, so why not the Honours System;

10.1.7 that the Rules on the acceptance and wear of foreign Honours and Awards, or UK medals to British citizens, be amended and new provisions compiled under the Armed Forces Bill which will make it an offence for anyone to accept, or wear any official Honour, award or medal, or any military cap badge or insignia to which they are not legally entitled;

11. Summary

11.1 Lobbying is not our natural habitat – we are all ex-servicemen and women. We are not zealots or disaffected veterans or, indeed, barrack room lawyers. Our aim is not to embarrass or discredit – simply to obtain a fair hearing and, we would hope, an amendment to the Ministerial Statement.

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11.2 It is that confused and conflicting Statement to Parliament that, we are told, infringes our rights as private citizens. We have not seen any other Ministerial Statement lodged in Parliament with similar words imposing a restriction. In the past awards have been granted restricted status, a keepsake as they call it, but as far as we are aware, never has an award been promulgated spelling out a restriction on British private citizens as in the case of the PJM.

11.3 Our main concern is that for reasons that are very specific to the MoD (inter alia, costs and resources) and to the FCO, ex-servicemen and women, and next of kin, have been treated shabbily – as has Malaysia. We will never know for certain what the FCO said in its submission to the HD Committee because they have said that if their reasoning for rejecting the medal is placed in the public domain, it might be prejudicial to this country in its relations with Malaysia – they have obtained a Freedom of Information Act exemption. Our point is that if that is the case and there are political reasons under-pinning the FCO's objection to the Malaysian medal, then the Department cannot possibly claim that their recommendation to the HD Committee was based specifically on medal rules that are in the public domain. Indeed, we have maintained all along that **Foreign Medal Rules** (note, we are not talking about British Campaign Medals rules here) are typically applied inconsistently for political rather than medallic reasons. This claim has been made many times, over many years, by medal writers.

11.3.1 As a direct consequence of the FCO's own statements, the rationale behind their rejection of the PJM is more political and not based solely on an interpretation of medal rules.

11.3.2 And we were told that the MoD were more concerned with the costs of checking records and distributing the medal, and problems with resources, rather than the medal rules.

11.4 Thus, in our view two Departments involved in the PJM decision have not been completely open with ex-servicemen and women, nor with Parliament, nor with the media and the public. We respectfully maintain that veterans should not be treated like a political football in this way and medal rules that impact on the lives of ordinary men and women should be applied consistently – and applied in the context of the Military Covenant.

11.5 We very much hope that the reconstituted Review will redress the balance and take into account what veterans have to say when considering their recommendations for submission in turn to the Prime Minister and Deputy Prime Minister. We believe that the totality of our case merits an amendment to the Ministerial Statement to the effect that formal permission to wear the Pingat Jasa Malaysia is no longer withheld.

Thank you – End

Encs: Appendix 1 - Double Medal List
Appendix 2 - 5-Year List