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NATIONAL MALAYA & BORNEO
REPUBLIC OF SINGAPORE-BRUNEI DARUSSALAM-JAVA-SUMATRA
VETERANS ASSOCIATION
Inc. EUROPE

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Ministry of Defence
Lt Col GV de la F Woyka RHG/D
Level 6, Zone C, Main Building Whitehall,
LONDON SW1A 2HB.

27th June 2011

Dear Colonel Woyka,

I refer to your unreferenced letter to various addressees of the 25th May 2011 and to our telephone discussion on 13th June 2011 in relation to the MOD review of the rules governing the award of medals, as part of the Coalition Government's commitment to rebuilding the Military Covenant. You say in your letter that the review is at the final draft stage and invite comment from a wider consultation with Veterans.

I am the Chairman of the National Malaya and Borneo Veterans Association, www.nmbva.co.uk, some 28 Branches throughout the United Kingdom, which has an obvious vested interest in the award of the Pingat Jasa Malaysia medal (PJM); the interpretation and application of the 'rules;' and the specific exception that permits acceptance, but does not allow the medal to be worn. You will, I feel sure, be very familiar with the frustration and outright anger this has caused, for many years, amongst not only eligible veterans of many organisations, but also their supportive families. I understand that many representations have been made, and are being made, by scores of veteran organisations and their elected parliamentary representatives

Earlier this year I too made a submission to the Secretary of State for Foreign and Commonwealth Affairs and a copy is at Annex A. That submission has the support of the NMBVA Patron, General Sir Garry Johnson KCB OBE MC DSc (Hon), formerly Commander of British Forces in the Far East and Commander-in-Chief of NATO Forces in Northern Europe. I will try not to repeat what I said in the submission except in the interest of greater emphasis.

Subsequent to my submission in February, I have learned that the HD Committee are responsible for making recommendations *directly* to the Sovereign and has no Ministerial involvement, though the PPS to the Prime Minister keeps him informed of matters that are discussed by the HD Committee. I will therefore copy this letter to 10 Downing Street. I note that the HD Committee membership is entirely civil servants with no apparent political accountability, direction, or input. These issues concerning the HD Committee are, I know, issues for Departments other than the MOD and I include comment solely in the interest of understanding!

I have in my possession Parts two and five of your final draft Review and a fairly common thread throughout is your reference to 'long standing principles' of a HD

Committee that has existed since before WW2. You say that the principles remain sound, but it is surely clear that in 2011 they are not sufficiently sound so as to satisfy the many thousands of Veterans affected. They are seen to be in need of modernising today and whilst the Review is welcomed, a final draft that simply repeats the double medalling and five year rules, without even wider consultation with Veterans and the public, is not welcomed. An *exception* to the rules was made to permit the acceptance of the PJM but the unanimous view is that it did not go far enough. The exception could have, and in our view should have, included the right to wear the medal. This exception does not need to imply a precedent, each case being judged as a stand-alone. These eligible Veterans, and many surviving families, most of who are already in possession of the PJM, are understandably delighted with the recognition given to them by the King and peoples of Malaysia for their contribution and sacrifice, but are dismayed at the attitude of the HD Committee recommendation to Her Majesty in 2006 that the medal should not be worn.

You will, I am sure, be familiar with the London Gazette 5057 of the 3rd May 1968 which for ease of reference you will find in Annex A. Interpretation of that Gazette entry by many parties is that it provides the necessary permission for the PJM to be worn by recipients. Veterans, as *former* members of the armed forces, are not Crown Servants and so a legal advice argues that this Gazette gives permission to wear [the PJM]. Consequently, whilst many Veterans would appear to be doing so, there is confusion abroad, an altogether untidy state of affairs for persons who are more used to the state of good order and military discipline!

In summary:

1. If the review concludes that the rules are not to be changed then an acceptable compromise would be to recommend to her Majesty through the appropriate channels to revise the decision on the PJM in 2006 and extend the exemption of the rules made at that time to include also permission to wear the medal. This decision will cost nothing, the cost of the medal being met by the Malaysian Government.
2. If the review concludes that the rules are not to be changed then clear direction on the interpretation of London Gazette 5057 of the 3rd May 1968 and its relevance to the wearing of the PJM by eligible Veterans would be welcomed.
3. If the review concludes the rules are not to be changed it seems clear that lobbying by many thousands of Veterans will continue and be given greater national visibility seeking public support.

Yours aye

Tex Pemberton

ANNEX A to
NMBVA Chairman Letter
The Pingat Jasa Malaysia Medal
Dated 27th June 2011



THE PINGAT JASA MALAYSIA MEDAL

As Chairman of the National Malaya & Borneo Veterans Association (NMBVA) I make this submission, on behalf of all Members of the Association, www.nmbva.co.uk to the Rt Hon William Hague MP, Secretary of State for Foreign and Commonwealth Affairs.

This submission has the support of the NMBVA Patron, General Sir Garry Johnson KCB OBE MC DSc (Hon), formerly Commander of British Forces in the Far East and Commander-in-Chief of NATO Forces in Northern Europe.

Tex Pemberton

Lieutenant Colonel Tex Pemberton OBE
Chairman
National Malaya & Borneo Veterans Association

15th February 2011

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Dear Secretary of State –

In 2005 the Malaysian Government approached the Foreign and Commonwealth Office (FCO) to seek approval to present their new medal, known as the Pingat Jasa Malaysia (PJM), as a token of their gratitude, to British Veterans and others who served in operations in Malaya/Malaysia between the 31st August 1957 and 12th August 1966.

I am aware this was not a matter for the Ministry of Defence and that on behalf of the Government the FCO is responsible for administering the policy relating to the acceptance and wear of non-British awards by British citizens.

The Government of the day (2005) arranged for the matter to be considered by the Honours, Decorations and Medals Committee (HD Committee). I understand this is a non-political, pan-Departmental Committee, Chaired by the Cabinet Secretary, which advises Her Majesty The Queen on such matters.

The HD Committee considered the matter and subsequently the then Minister for Trade Investment and Foreign Affairs, Mr Ian Pearson, made a written Ministerial Statement to the House of Commons on the 31st of January 2006. The Statement is a matter of record but to aid discovery, I quote in part:

“The Committee has recommended [to Her Majesty] that an exception to two of the long-established Rules governing the accepting and wearing of foreign (including Commonwealth) awards be made, to enable the Malaysia Government to present the PJM. Her Majesty The Queen has been graciously pleased to approve this recommendation. This exception to the Rules means that all of the many thousands of eligible former members of the Armed Forces/Veterans, and others, may receive the PJM. Permission to wear the PJM will not, however, be formally given. It is long standing Government policy that non-British medals will not be approved for events or service that took place more than 5 years before initial consideration, or in connection with events that took place in the distant past; or if the recipient has received a British award for the same service.”

In relation to this issue, on the 8th August 2007 Her Majesty granted permission for the PJM to be worn [by Veterans] during the main independence celebrations in Malaysia. The relevant period was 15th August 2007 to 9th September 2007.

Since 2006 many thousands of applications for the PJM by eligible Veterans have been made and presentation ceremonies around the United Kingdom, and overseas, have been arranged on behalf of the Malaysian authorities. The most recent ceremony was held at the Malaysian High Commission in London on the 25th January 2011 when some 100 or more Veterans were presented with the PJM by His Excellency the High Commissioner of Malaysia.

We have heard many words spoken in recent months about ‘repairing and rebuilding the covenant.’¹ Whilst the words have in the main been targeted at issues affecting those personnel currently serving in HM Forces, the enormous Veteran population feel there are issues outstanding that pertain to them and the wearing of the PJM is one of them. There are others.² General Lord Dannatt, former Chief of the General Staff, said in a recent

¹ The Covenant itself - the nations promise to support its Armed Forces in return for their sacrifices – doesn’t currently consist of a single written word. Despite its intangibility the mutual obligation carries great weight for servicemen and women; it is held as dearly as their rifle, body armour and ration pack. It’s a simple deal: I will risk my life serving my country and my country will look after my family and me. Though this has been the understanding since the 1689 Bill of Rights first allowed Parliament to raise an army, it is only now, within the Armed Forces Bill, that the Covenant is to be enshrined in law.

² Veteran organisations are concerned to ensure they are not overlooked when decisions are taken in relation to the award of the coming Queens Diamond Jubilee Medal. Veterans have yet to be considered to receive a Jubilee medal during Her Majesty’s reign.

interview whilst speaking about the Covenant, “.....but what about the Veterans?” He went on to say, when making reference to the Coalition Government, “.....the Hew Strachan report to the Prime Minister³ will hopefully conclude that Veterans have rights that need to be identified and protected. Any new Government has many pressing calls on its time and energy, but this is one issue [the military covenant] that needs to be addressed urgently. Unusually, the problem is not a lack of resources, but the need for better organisation, and a change in some ingrained attitudes.” Veterans believe that previous ingrained attitudes and policies in relation to the wearing of foreign awards need reviewing and modernising. It is also necessary for Government, and others, to recognise that a Veteran is defined as anyone who has served in HM Forces at any time, not just those personnel returning from recent or current operations.

The existence of the PJM has a highly visible profile. This is of course a proper medal, not a ‘commemorative’ one. Presentation of this recognised medal to Veterans is a very proud moment in their lives and brings with it realisation that their contribution and sacrifice, in the interest of peace and freedom, have not been overlooked by the grateful Government of the benefiting and presenting Nation. To then remind Veterans - as we must do at each and every presentation ceremony - that our own Government have said it may not be worn is tantamount to waving a red flag at a bull and needs no further description of the resentment and anger felt by recipients and their families.

Veterans believe there is conflict between withholding permission for the PJM to be worn and the London Gazette of May 1968, issued by the FCO, which says:

THE LONDON GAZETTE, 3RD MAY 1968 5057
FOREIGN OFFICE
COMMONWEALTH OFFICE
ORDERS, DECORATIONS AND MEDALS CONFERRED BY MEMBERS OF THE
COMMONWEALTH OF WHICH THE QUEEN IS NOT HEAD OF STATE, AND BY
FOREIGN COUNTRIES

The Queen has been graciously pleased to approve that Orders, Decorations and Medals conferred with Her Majesty’s permission upon United Kingdom citizens not being servants of the Crown by the by the Heads or Governments of Commonwealth countries as defined above, or of foreign States, may in all cases be worn by the recipients without restriction.

Veterans are not, of course, Crown Servants and so a legal opinion argues that this Gazette gives permission to wear [the PJM]. Consequently, whilst many Veterans would appear to be doing so, there is confusion abroad, an altogether untidy state of affairs for persons who are more used to the state of good order and military discipline!

This is a burning issue amongst many many Veterans and I point to just one active website www.fight4thepjm⁴ A revision of the previous Governments decision, in these austere times, would cost this coalition Government absolutely nothing. Veterans already have the medal, compliments of the Malaysian Government, and are justly proud of it. They simply ask Government for permission to wear it. Veterans would not be in service uniform when

³ Professor Hew Strachan is leading a working party on the military covenant and is due to give his report to the Prime Minister imminently.

⁴ See reference to an item of legal advice that suggests the FCO is not entitled to prescribe a so called rule which restricts the liberty of a UK citizen without legislation. Even if Parliament legislated, it could be subject to review as an unlawful restriction on liberty under EEC Act 1972 in the case of EU member states and of the Human Rights Act 1998.

wearing the PJM and there are unlikely to be any serving personnel who meet the criteria for award.

Though Her Majesty is also the Head of States of Australia and New Zealand, the Governments of both those countries have authorised the wearing of the PJM. Veterans of British and these other nations come together frequently and the apparent double standard is clearly obvious and a contentious irritant!

Records show two medals for Korea, one awarded by HM Government and the other by the United Nations. Is this not therefore a precedent for the PJM? In relations to the 5-year rule, [*that a medal will not be approved for events or service that took place more than 5 years before initial consideration*], it seems the rule has been breached on more than one occasion:

When the HD Committee considered and waived the 5 year rule recommending the belated award of the GSM for Suez. See commentary on decision at www.veterans-uk.info/medals/suez

When HM The Queen gave permission as recent as 1994 for the Russian Convoy 40th Anniversary medal to be accepted and worn by eligible British Citizens. See commentary on decision at www.veterans-uk.info/medals/russian

When the Legion d'Honneur is periodically awarded by the French Government to British Veterans of past conflicts. See clip [by former Lieutenant RNVR who received the award in November 2005, along with eight other Veterans, all of whom played a large part in liberating France from the common enemy, 1939 to 1945] at www.sandgate-kent.org.uk/award

Secretary of State:

On behalf of the many thousands of Malaya and Borneo Veterans, all members of today's 'Big Society,' I ask you to review the decision taken by the previous Government on 31st January 2006 that the PJM may be received, but not worn. Veterans, in the United Kingdom and overseas, eagerly await determination on this matter.

