Dear FDI supporters,

Welcome to this week’s edition of the Strategic Weekly Analysis. In the SWA this week, we begin by considering the implications of reports that the governments of the United States and the United Kingdom have agreed to “tap” strategic oil reserves in the face of escalating prices.

We then head to the UK, with a report on the drought which is currently gripping much of southern and eastern England.

Moving to South Asia, we are fortunate to have three leading experts, all of whom are FDI Associates, explore some highly topical issues playing out in the region.

First, Dr Auriol Weigold looks at the urgent need for progress on the sharing of the waters of the Indus River between India and Pakistan. Next, within the debate surrounding India’s National Counter-Terrorism Centre, Balaji Chandramohan discusses the implications for the Indian Constitution, and N. Sathiya Moorthy analyses the war crimes resolution that is being brought against Sri Lanka in the United Nations Human Rights Council.

We follow that with an analysis of the changing nature of Pakistani-Russian relations, before concluding with a round-up of the inaugural “2+2” Australia-Indonesia Foreign and Defence Ministers’ Dialogue, held last week in Canberra.

Over the next fortnight, FDI’s Food and Water Crises Research Programme is hosting a series of invitation-only research workshops in Perth, Sydney, Melbourne and Canberra. The workshops will investigate how food and water security issues might result in conflict and, if so, when and where it might occur.

FDI welcomes comment on both SWA articles and Strategic Analysis Papers. Comments, as well as suggestions for future articles, can be forwarded by e-mail to Leighton G. Luke at lluke@futuredirections.org.au.

Major General John Hartley AO (Retd)
Institute Director and CEO
Future Directions International
US Lacks “Strategic” Policy in Tapping Strategic Reserves

Background

Washington is lobbying OECD countries to release their strategic oil reserves onto the international market; but caution is required in intervening in the oil market, as a drawdown could increase US exposure to oil shocks.

Comment

In mid-March, reports emerged suggesting that the British and US Governments had agreed in initial discussions to “tap” strategic oil reserves. The agreement, reached during Prime Minister David Cameron’s visit to Washington, will trigger a release from their oil stockpiles later this year. Washington and London hope this will stabilise, and ultimately bring down, record high fuel prices.

Formalisation of the request, with accompanying details including duration, timing and volume, is expected in the coming weeks. The expectation is that the process will begin over the next few months and that other states may be lobbied to release their own reserves. Europe and Japan are mooted as possible candidates.

The low US dollar and interruptions to production in supplier states such as Yemen, South Sudan and Syria, have combined to push prices to between US$104 to US$108 per barrel. Economists fear the high price may both impede growth in the United States and add to uncertainty in the Eurozone. Perhaps cynically, however, some analysts contend President Obama may be more motivated by November’s presidential election, as high petrol prices could become a lightning rod issue between Mr Obama and the eventual Republican candidate.

The US reserve was created in the 1970s, as a result of oil politicking in the aftermath of the Yom Kippur War. A US$50 billion crude oil stockpile, the reserve currently boasts 700 million barrels of oil, stored in underground salt domes in Louisiana and Texas. In an extreme disruption event, as the reserve was originally intended for, the stockpile could provide one million barrels per day for up to 18 months, equivalent to five per cent of total US domestic demand.

Mr Obama’s policy announcement, however, raises a fundamental issue: do high oil prices truly constitute a crisis worthy of tapping emergency supplies?

The “Arab Spring”, with its revolutions and political instability, continues throughout the Middle East and North Africa. The well-documented crisis in Syria is but one element. Supplier states, including Libya, Yemen and Iraq, continue to feel geopolitical shocks, and their long-term trajectories are anything but assured. The unrest spreading to Saudi Arabia or other Gulf states cannot be discounted. Were this to occur, the implications for oil prices could be catastrophic. Undoubtedly, such contingencies would require strategic reserves to be tapped.
Equally, sabre rattling by Iran in the Strait of Hormuz and the possibility of airstrikes against Tehran’s nuclear programme, cannot be ignored. While this is certainly not inevitable, Israeli lobbying in Washington and declarations from the upper echelons of Israel’s government and military, suggest military action against Tehran remains a distinct possibility. Again, oil prices would unquestionably rise, as occurred during the Gulf War. The closure of Hormuz, a scenario in line with Iranian military behaviour and proclamations, would require the US President to draw on stockpiles.

Additionally, there are many other potential contingencies that could result in oil shocks, from a Russian “Arab Spring”, to a power struggle in Venezuela against the ailing Hugo Chávez. It is these sorts of eventualities that should prompt President Obama to seek to tap the strategic reserves.

Caution will be required to avoid treating oil stocks as a form of fiscal stimulus. Failure to appropriately use the reserves may significantly increase global exposure to geopolitical oil shocks, through depletion of the reserves and a decreased impact of executive intervention in the market.

Liam McHugh
Manager
Northern Australia & Energy Security Research Programmes
lmchugh@futuredirections.org.au

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Pipeline Project to Counter UK Drought

Background

Usually quite a wet country, the United Kingdom is facing the worst drought in 30 years since the 1976 “super drought”. Spring has not arrived and yet farmers are facing water restrictions and there is speculation of a hosepipe ban due to the lack of rainfall. In response, an ambitious plan to drought-proof parts of the UK with a $3.8 billion pipeline project is now taking shape.

Comment

In February 2012, the UK Environment Agency formally declared a drought across much of England, including Lincolnshire, Cambridgeshire and parts of Bedfordshire and Northampton. East Anglia was declared in drought as far back as June 2011. A drought not only means a lack of water, but also has severe repercussions on ecology, threatening farmers’ livelihoods and food supply.
Rainfall patterns across the UK have been highly variable, with the north exceeding the normal amount, but areas in the south and east have received 75 per cent less than normal. The Environment Agency reports that domestic water supply boreholes have dried up and water companies are applying for drought permits to access new sources of water. After two dry winters, water reservoirs such as the Rutland Reservoir have declined by 25 per cent. In response, water management company Thames Water has urged its nine million residents to cut consumption and apply for free water-saving devices. As Environment Secretary Caroline Spelman hosted a drought summit, United Utilities drew up plans for a £2.6 billion ($3.85 billion) pipeline to send 66 million gallons (98.4 million litres) of water per day from the north to the drought-stricken south. The pipeline will act as an “insurance policy” against future droughts and could run from Manchester to London.

By this time of the year, the soil is normally near saturation after the winter rains but, in the east, the soil is drier than has ever been recorded. This is causing problems for one of the UK’s most productive agricultural areas. Some farmers are facing total destruction of crops, while many dairy farmers are being forced to break into their winter silage stores or purchase expensive feed for their cattle, because pastures have browned and cannot grow in the dry conditions. Outdoor herbs and shallow-rooted crops, such as peas, are extremely vulnerable resulting in stunted and poor quality produce. Farmers are facing a 40 per cent drop in yield for their winter wheat crop. The drought has also increased crop diseases such as potato scab, which thrives in such conditions. This, coupled with farmers facing water restrictions, reduces the productivity of crops, causing rising food prices as farmers pass on the cost of their failing crops.

Though this drought is the first of its kind in 30 years, a changing climate is a reality and drought could be ‘the new norm’ for the UK, according to Ms Spelman. She says that the focus for policy makers should shift from immediate reactionary actions to long term solutions such as how to reduce demand.

For that to occur, it is important that individuals change their actions by for example, having shorter showers using double flush toilets. Policies should recognise that water is not always in endless supply.

**Shona Shah**
*Future Directions International Research Assistant*
*Global Food and Water Crises Research Programme*
The Indus Water Treaty Revisited

Background

The 1960 Indus Water Treaty (IWT), negotiated by Indian Prime Minister Nehru and then-President of Pakistan, Field Marshal Mohammad Ayub Khan, under the eye of the World Bank, agreed on the utilisation of the rivers of the Indus Basin to benefit each country. The Treaty, which was intended to settle inter-country water disputes and govern water usage, allocated the Indus, Chenab, and Jhelum Rivers to Pakistan, and the Ravi and Beas (Sutlej in Pakistan) to India. Since then, however, the rivers have been sites of on-going disputes and failed arbitration under IWT provisions.

Comment

Differences over water-sharing were evident prior to independence and persist in disputes today, as both countries prove unable to resolve issues in the rapidly-escalating water resource rivalry, which is increasing tension across other, already fraught, issues in their bilateral relationship.

Water scarcity, caused by inadequate management of a decreasing supply, including the proposed construction of dams deemed inappropriate at both inter- and intra-country levels, is moving India into what has been described as a “danger zone”, with the availability of water per capita declining rapidly. Pakistan also is nearing a “water stress” limit. These alarming trends are clearly observed at political and social levels and demand solutions.

The IWT has re-emerged in an internal dispute in Pakistan about the building of the Kalabagh Dam, following the country’s worst floods in 2010, to aid in future flood mitigation and management of the annual water flow for irrigation use. The dam was to be situated in the Mianwali District of the Punjab and was supported in that province but rejected by Sindh and Khyber for a variety of reasons, including population displacement and the adverse impacts on the environment caused by any dam.

The Kalabagh issue was raised again in the Punjab Assembly in the first week of March 2012, causing a flurry of articles in the past week: on 15 March in Dawn and, on the previous day, in the Daily Times. They are another reminder of the bigger conflict – the gap between water availability and Pakistan’s requirements – which is mirrored in India.

Water security, and how to ensure it, is a diplomatic nightmare in these ‘demographically explosive societies’.

The question of an alternative approach to the Indus Basin’s water resources has been canvassed: an integrated development plan for its conservation, which factors in the links between water, land, their users, the environment and infrastructure, in a remarkably similar way to the 1960 Treaty.

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The 1960 Preamble stated that the two governments, ‘being equally desirous of attaining the most complete and satisfactory utilisation of the waters of the Indus system of rivers and recognising the need ... of fixing and delimiting, in a spirit of goodwill and friendship, the rights and obligations of each in relation to the other concerning the use of these waters ... in a co-operative spirit ...’, which is arguably as utopian as the alternative approach.

Water scarcity, however, has many causes that affect both India and Pakistan. In the absence of a practicable alternative to the treaty, arguably impossible to negotiate in today’s political climate, an updated two-country water resource management body, within the original framework, might usefully succeed the Permanent Indus Commission as it was initially instituted.

The Indus River ‘runs through the history of India-Pakistan relations’,² and the IWT, viewed as an excellent example of the settlement of inter-country water disputes, is both a carrot and a stick. Water security on the sub-continent, however, including the Indus Basin, appears ever more elusive and arbitration ever more urgent.

Dr Auriol Weigold
Future Directions International Associate

About the Author: Dr Auriol Weigold is an Editor of the South Asia Masala weblog hosted by the College of Asia and the Pacific at the Australian National University. Previously, she was Convenor of the BA International Studies at the University of Canberra and is now a Visiting Fellow there. Her research interests include the Australia-India bilateral relationship, India’s energy needs and Indo-British relations in the 1940s. In 2008, she published her book Churchill, Roosevelt and India: Propaganda During World War II.

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Debate on Nature of Indian Constitution Starts with National Counter-Terrorism Centre

Background

The current debates around India’s National Counter-Terrorism Centre (NCTC) are centred on whether the Indian Union Government can frame laws that could infringe on the rights of the state. Sceptics have argued that there is a chance for the NCTC to change Centre-State relations, by jeopardising the Indian Constitution’s federal structure.

Comment

Some have argued, however, that there have been precedents, where the Union Government has formed statutory bodies overseeing the federal structure. For example, the Indian Planning Commission, which was formed in the 1950s, was carved out of the socio-

² Ibid.
economic aspect that falls under the Concurrent Lists in the Constitution’s Seventh Schedule.

This brings up the question of whether the Indian Constitution that came into existence on 28 January 1950 is federal or unitary. The founders of the Indian Republic could have easily adopted the British model of a unitary structure when they adopted the parliamentary system, but decided otherwise, after considering the peculiar aspects of the Indian states. The Constitution has certain provisions for federal polity and dual government.

The Indian Constitution, however, cannot be classified as purely federal. First, unlike the classical federal constitution of the United States, which came into existence in 1787, the Indian Constitution did not come from an agreement among the various states. In other words, India is not a federation of states, but a union. The framers of the Indian Constitution were careful enough to omit the word federation, by keeping in mind the experiences in the US leading up to the 1861-65 American Civil War.

Second, though, like other federal constitutions in the English-speaking democracies, such as Canada, Australia and the US, India has an Upper House legislature – the Rajya Sabha – the states are not equally represented as in Australia and the US. The structure is much more like the arrangement in Canada. The Indian Constitution closely resembles the Canadian model, where the constitution, adopted through the British North America Act (1867), was modelled on a federal structure between the Dominion and Provincial Governments.

Third, unlike the US and Australia, the Indian States generally do not have constitutions of their own. In Canada, except for French-speaking Quebec, the other provinces also do not have separate constitutions. Similarly, in India, only the State of Jammu and Kashmir, unlike the other states, has its own constitution.

Fourth, the Indian Constitution has a provision that has given the Union Government the power to change the boundaries of the states at will. It can also dismiss the state governments, under Article 356 of the Constitution, and has provisions for emergency government. All of these factors contribute to the fact that the Indian Constitution is a unitary one.

On the other hand, in the 2001 Ganga Ram Moolchndni versus State of Rajasthan case, the Supreme Court observed that the Indian Constitution is basically federal in form and is marked by the traditional characteristics of a federal system; namely the supremacy of the Constitution, a division of power between the Union and the States and the existence of an independent judiciary.

Foreign critics have described the Indian Constitution as a system of government that is quasi-federal within a unitary state, with subsidiary federal features; rather than a federal state with subsidiary unitary features. Further, the Indian Constitution can be seen as an example of “Co-operative Federalism”, in which the states enjoy autonomy within their own spheres and have the power to raise revenue. The need for national unity was the primary reason for the Indian Constitution to have such a strong unitary dimension.
The famous British lawyer, Ivor Jennings, observed that the federal structure of the Indian Constitution has, in a way, provided the reason for its rigidity. However, even this aspect was disputed by Indian constitutional lawyers in the Constituent Assembly, like Alladi Krishnaswamy Aiyer, who said that the Indian Constitution had enough flexibility to absorb the changes. That is buttressed by the fact that, unlike other federations, such as the United States, Australia and Canada, the Indian Constitution has had 94 amendments since January 1950. Also, the world’s longest written constitution has withstood time, unlike the provisions of first Sri Lankan Constitution, framed by Ivor Jennings in 1948, but which fell apart in 1955-56.

That flexibility in the Indian Constitution should also enable it to absorb the changes in the proposed NCTC without changing the federal characteristics, provided the national interest remains paramount.

**Balaji Chandramohan**

*Future Directions International Associate*

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**Sri Lanka: More to UNHRC Vote than “Accountability”**

**Background**

Irrespective of this month’s vote in Geneva on the US-sponsored resolution at the United Nations Human Rights Council (UNHRC), things may not be the same again in Sri Lanka. There is more to the UNHRC vote than winning and losing. Either way, it has already stirred up a hornet’s nest. It may only be a beginning, when the sponsors of the resolution believed it would be confined to “accountability issues” pertaining to alleged “war crimes” targeting the Sri Lankan state, its institutions and individuals attaching to it.

**Comment**

This is not the first time Sri Lanka has been hauled over the UNHRC coals on “accountability issues”, as many in the country seem to believe. Within days of the end of the “Eelam War IV” in May 2009, the European Union initiated a similar action in Geneva. A counter-resolution initiated by friends of Sri Lanka, such as India, Pakistan and China, put paid to the EU efforts at the time. Today, by clearly attaching its name to the UNHRC resolution, the US may have forced issues already in Sri Lanka - but not necessarily in ways that all initiators of the move would appreciate.
No-one is saying that HR violations during the war period should not be investigated. The West, now as in 2009, wants “independent” (international?) investigations. Sri Lanka wants the world to be satisfied with the findings of the Lessons Learnt and Reconciliation Commission (LLRC), which it appointed after the international community took a greater interest in the issue than Colombo may have bargained for, at the conclusion of the war.

The two US drafts for the UNHRC vote acknowledge the good work done by the LLRC, but indicate the sponsors’ desire for “international supervision” in implementation, by insisting on Sri Lanka seeking and accepting “technical assistance” from the UN Human Rights Commissioner. The drafts did not refer to the Darusmann Report, named after the leader of the three-member team of advisors appointed by UN Secretary-General Ban Ki-moon, but which was later forwarded to the UNHRC.

The US backing for the UNHRC resolution has stirred fresh hopes among the Tamils, both within Sri Lanka and their Diaspora brethren elsewhere. It had started off with war victims nearer home and their political leadership, represented in particular by the Tamil National Alliance (TNA). The TNA felt that any intervention of that kind by the world’s sole superpower would mean a better deal for them on rehabilitation, reconstruction and, more importantly, reconciliation.

At this stage, however, the US interests and efforts seem concentrated only on “accountability issues”, and nothing more.

The decision of the West to move the issue to the UNHRC, rather than to the UN Security Council, where friends of Sri Lanka, like China and Russia, have veto power, turned it into all-out politico-diplomatic warfare. As a result, the stakes have steadily been pushed higher and have become incomprehensible, rather than the move providing a straightforward way of easing the situation for the victimised Tamil community in Sri Lanka.

The last time the US was seriously in the news on the Sri Lankan ethnic issue, the “transnational government of Tamil Eelam” (TNGTE), the rump political outfit identified with the dreaded Liberation Tigers of Tamil Eelam, had conducted its “parliament session” on American soil. That V. Rudrakumaran, the self-styled “prime minister” of TNGTE, is an American citizen living on US soil, also did not go unnoticed in Colombo.

Independent of the Geneva result, the agenda of the pro-LTTE sections of the Sri Lankan Tamil Diaspora will not change. Their tactics, arguments and consequent priorities alone may alter, however, depending on the result of the Geneva vote. Either the world is with them – and they have nothing to fear – or, the world has mortgaged their fear and feeling at the altar of self-centred politico-diplomatic expediency, and they have nothing to lose. Either way, Sri Lanka as a nation could lose sleep all over again.

Known hotheads in the majority Sinhala-Buddhist polity and society, and also the Sri Lankan state system, can also be expected to act/react on predictable lines. They will require little or no provocation, which will be easy to find. The post-9/11 anti-terror benefits, accruing to Sri Lanka and this part of South and South-East Asia with the conclusion of Eelam War IV, may well have been frittered away.
Pakistan and Russia Seek Enhanced Co-operation

Background

As part of its changing foreign policy focus, Pakistan’s rapprochement with Russia is one of its most significant attempts to shape the post-2014 geo-political order in Afghanistan. Islamabad is looking to alternative strategic partners to counterbalance India’s rising influence in Afghanistan, Central Asia and the Middle East and its own strained ties with the US. In this context, the recent visit to Moscow of Pakistani Foreign Minister Ms Hina Rabbani Khar on 7-9 February is symbolic of the rapidly transforming relationship between Islamabad and Moscow.

Comment

Such bilateral interaction is a significant departure from the acrimonious 1980s and 1990s, when Pakistan heavily supported the Afghan Mujahadeen against invading Russian forces in Afghanistan and accused Russia of covertly supporting Baluchi separatists. Similarly, Russia had also accused Pakistan of providing support to Islamist insurgents active in Chechnya and Tajikistan.

In Moscow, the Pakistani Foreign Minister relayed her country’s growing interest in developing stronger ties with Russia through trade and investment, especially in the areas of joint co-operation in Pakistan’s energy sector. The visit is indicative of the vastly improved bilateral relations between the two countries over the last decade. For example, according to the website of the Consulate-General of Russia in Karachi, two-way trade between Russia and Pakistan increased from a minute US$92 million in 2003, to US$441 million in 2006 and US$630 million in 2008.

There have also been ongoing meetings facilitated by inter-parliamentary Joint Working Groups on Counterterrorism and Other New Challenges, International Stability and Strategic Stability. Similarly, Russia has formed a Pakistan friendship group within the Duma, something that Pakistan also intends to establish. Russia has also supported Pakistan’s bid to attain full membership in the Shanghai Co-operation Organisation. According to Reuters, there have even been discussions aimed at launching joint military exercises, defence exchanges and procurement of military equipment, but the scale and scope of this interaction is anticipated to be insubstantial.
Indeed, since former Pakistani President General Pervez Musharraf visited Moscow in February 2003, a landmark event in itself, bilateral ties have been on an upward trajectory. There have been frequent visits by senior Russian and Pakistani foreign ministry officials and parliamentarians. In 2007, Russian Prime Minister Mikhail Fradkov visited Pakistan in what was deemed an historic visit. Later, in May 2011, Pakistani President, Asif Ali Zardari, reciprocated by visiting Russia. In fact, it is notable that, over the last three years, President Zardari met with former Russian President Dmitri Medvedev on six occasions. In early March this year, Pakistani Prime Minister, Yusuf Raza Gilani, met with President Vladimir Putin in St Petersburg and extended an invitation for Putin to visit Pakistan, which was accepted. President Putin has indicated the visit will take place in September this year, which will make him the first Russian head of state to visit Pakistan.

Russia’s changing stance can be partly attributed to the impending changes in US foreign policy, especially with regard to the latter’s imminent withdrawal from Afghanistan and its realignment towards the Asia-Pacific. By capitalising on Pakistan’s frayed relations with the US, Russia is seeking partnerships to buttress the security of its vast southern borders and to reassert its influence in the Central Asian region.

Being a predominantly Muslim region at the cross-roads between the Middle East, Central Asia and South Asia, Russia may also be seeking to leverage Pakistan’s influence in the Muslim world – something China has thus far done successfully. As stated by the Consulate-General of Russia in Karachi: ‘Russia attaches great importance to its relations with Pakistan, particularly taking into account the latter’s influence in South and South-Western Asia, which directly border southern frontiers of the CIS, and in the war against international terrorism.’

Yet, while Pakistan and Russia look to enhance ties, it is likely that the potential for deep strategic ties is limited, especially given the fact that Russia places higher priority in balancing its significant relations with India, as part of its strategy to counterbalance US power in the region. In the meantime, until President Putin’s visit in September, bilateral relations are likely to expand significantly.

Sergei DeSilva-Ranasinghe  
Manager  
South and West Asia Programme  
sdesilva@futuredirections.org.au

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2+2 Dialogue Signals New Era of Indonesia-Australia Co-operation

Background

Foreign Minister Bob Carr and Defence Minister Stephen Smith met with their Indonesian counterparts Marty Natalegawa and Purnomo Yusgiantoro, in Canberra on 15 March, for the inaugural Australia-Indonesia Foreign and Defence Ministers’ (“2+2”) Dialogue.

Comment

In a joint communiqué, Mr Smith said, ‘Australia and Indonesia are working to expand defence and security co-operation and to bolster co-ordination on humanitarian assistance and disaster relief, international peacekeeping, anti-piracy efforts and maritime security.’

Indonesian Foreign Minister Marty Natalegawa formally acknowledged the benefits of the forthcoming rotations of US troops in Darwin, saying that Australia had settled Indonesia’s doubts over plans to increase the US military presence in the region. ‘There is a general wish on the part of both countries to ensure that our region, namely the Asia-Pacific, continues to remain benign and peaceful and that we not revert to any conditions that would jeopardise that kind of already positive outlook,’ Mr Natalegawa said. ‘We don’t have a problem at all with the placement of the US Marines in Darwin.’

On 16 November 2011, Prime Minister Julia Gillard and US President Barrack Obama announced a new agreement for up to 2,500 US Marines to be stationed in Darwin by 2017, to help protect US interests across Asia. The agreement initially received criticism from Indonesia as an attempt to contain China.

Mr Natalegawa said Indonesia wanted to take advantage of the Marines’ presence in Australia to facilitate disaster and humanitarian relief in the Asia Pacific region. Indonesia, which has a population of 239 million, is precariously located in a region prone to often-devastating earthquakes and tsunamis.

Australia also accepted an Indonesian proposal to join in training exercises focussed on disaster relief. Looking to the future, Mr Smith also spoke of the possibility of other countries, including Indonesia and China, participating in US-Australian military exercises in Australia.

Ashley Woermann

Future Directions International Research Assistant

Indian Ocean Research Programme

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What’s Next?

- Indonesian President Susilo Bambang Yudhoyono is scheduled to visit China from 22-24 March.

- International World Water Day is 22 March. This year’s theme is water and food security. Click HERE for more details.

- Representatives from the United Nations, African Union and central African countries are to meet in Entebbe, Uganda, on 22-23 March to discuss a regional strategy for peace building within those areas affected by the Lord’s Resistance Army.

- Burma will hold a number of by-elections on 1 April. For the first time, democracy leader Aung San Suu Kyi will be among the candidates.

- The National Sustainable Food Summit will take place in Sydney on 2-4 April. The summit hopes to identify new business models, frameworks and solutions to create a future sustainable food system. For more details: http://www.3pillarsnetwork.com.au/media/food_summit_program_prelim.pdf

- The South African Navy is hosting the third Indian Ocean Naval Symposium at the Cape Town International Convention Centre from 10-13 April. For more, visit: http://www.navy.mil.za/IONS_2011/index.html