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A Comparative Evaluation of the Management of Petroleum Resource in Different Jurisdictions: Canada, USA and Nigeria [A Case Study of Niger Delta of Nigeria]

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ABSTRACT

The Niger Delta has for some years been the site of major confrontations between the people and the Nigerian government's security forces, resulting in extrajudicial executions, arbitrary detentions, and draconian restrictions on the rights to freedom of expression, association, and assembly. These violations of civil and political rights have been committed principally in response to protest about the activities of the multinational companies that produce Nigeria's oil, and the use made of the oil revenue by the Nigerian government. Based on this the study sought to employ Comparative Analysis of Research Design. The study focuses on the Comparative Evaluation of the Management of Petroleum Resources in Different Jurisdiction: Canada, USA and Nigeria, so that the government of Nigeria can borrow a leaf from other nations' management system approach, in order to sustain the Post-amnesty Programme and to put an end to the restiveness in the Niger Delta region. It also concludes that since, petroleum extraction in the Niger Delta is the mainstay of the Nigerian economy. Petroleum has since its production in the Niger Delta been considered exclusively a state property. The right approach should be made to ensure that the conflict is stopped and the areas affected developed so as to foster peace and growth in Nigeria. The study recommended that the ownership and control of petroleum resources be made to revert to the oil producing areas just as the case in the United States of America and as witnessed in Canada, where ownership and control of natural resources is vested on the people of the region.

Keywords: Jurisdictions, FCT, NNPC, WHO, CDFRN, Peckford, EEZ, NEP, CPRA, OCSLA, OCS, LWCF

I. INTRODUCTION

Niger Delta is a region that spreads out to cover the South-eastern part of Nigeria in West Africa. It is also referred to as the South-South geopolitical zone in the current six geo-political structure of the country. Niger Delta is an area of dense mangrove rainforest in the southern tip of Nigeria comprising nine states out of the thirty six, including the FCT that make up the entity called Nigeria.

The present day Niger Delta was estimated from the result of the last census having total population of about 20 million people, living in 1600 communities that spread over about 70,000 square kilometers that made up 7.5% of Nigeria's land mass [Wikipidia 2010]. Historically, it was made up of Bayelsa, Delta and River state. In 2000, Obasanjo's regime expanded its definition to include: Imo State, Abia State, Cross River State, Edo State. Ondo State and Akwa Ibom State.

The region alone takes 25% of the total number of the states in Nigeria. It is the nucleus of Nigeria's wealth and one of the world's energy sources because it is rich in oil and gas resources, which directly supports the country's economy. The region accounts for more than 20% of Gross Domestic Product [GDP], more than 97% of total export earnings and over 70% of all government revenues, and is a region responsible for producing the country' major source of revenue in Nigeria, [Aliyu, 2009]. Ironically, the region progresses backwards due to: poverty, underdevelopment, marginalization, deprivation etc which in turn open the gate for psychological imbalance of the State and her people.

The Niger Delta has for some years been the site of major confrontations between the people and the Nigerian government's security forces, resulting in extrajudicial executions, arbitrary detentions, and draconian restrictions on the rights to freedom of expression, association, and assembly. These violations of civil and political rights have been committed principally in response to protest about the activities of the multinational companies that produce Nigeria's oil, and the use made of the oil revenue by the Nigerian government. The crux of the Niger Delta crisis has always been the concentration of power and resources in the hands of the centre through decrees and constitutions, and the people are denied access to the oil wealth, as well as the Land Use Act of 1978 inter aliea: All lands and mineral belong to the Federal Government.

In Nigeria, the Federal government is both a key player and a referee in oil and gas leasing/mining. It collects all revenues generated in the country and disburses a maximum of 13%, or as it pleases, to the states from which the resources are derived. By the recent supreme court decision on offshore lands, the Federal government now takes everything while the coastal states are entitled to nothing, not to talk of ecological impact, infrastructural wear-and-tear, coastal communities development and so.

Aja [2007] opines that Niger Delta crisis is anchored on the logic that despite the vast wealth produced in the area, including the negative impacts of the oil industry, the people remain poorer than the national average. Youths who are denied meaningful education and employment now indulge in conflicts including: militancy, hostage taking, prostitution, armed-robbery, drug trafficking, etc as strategies to escape poverty and deprivation. Substantial evidence abound that oil exploration by the multinational corporations has resulted into air, land and sea pollution. The land in many places now yields little or no harvest; plants shrink and fade away because of gas flaring. Medical and environmental experts explain that gas flaring alone contains about 250 toxins. Such toxins lead to respiratory problems among other dangers to human, environmental and animal life. Unfortunately the gas flaring is carried out in some parts of the Niger Delta 24 hours daily. This constitutes serious health hazard in the region.

Nigerian has been rated as the 6th largest oil producing nation of the world, and the largest in Africa. The Nigerian Niger Delta region contains one of the largest reserves of crude oil that is deriving the Nigerian economy [Essien 2006]. This 'black gold' reserve area has been noted as an area of major confrontation between the people and the oil companies as well as the Nigerian government security agents. This has often resulted in unqualified loss of lives and properties.

Oil prospecting activities started in 1938, when Shell d'Arcy [Now Shell B.P] was granted an oil exploration licence covering 950, 530 square kilometers. This company maintained monopoly over Nigeria's oil resources for almost 20 years. The first oil well was drilled in Oloibiri in Bayelsa state where commercial quantity was first discovered on February 8 1958. Presently there are more than 11 oil companies, 159 oil fields and producing well over 1481 oil wells. All of these figures Shell alone control about 83 oil fields and 748 oil wells. The Nigerian National Petroleum Corporation [NNPC] was created in 1971, as a joint venture partner in the major oil concessions being operated in Nigeria.

The early days of oil exploration did not witness resistance by host communities. The degradation of the environment made the host communities to develop certain expectations both from government as well as the Multinational Companies. The state of social development of the area was and is still at its lowest ebb. The activities of the major group who weld political power to the disadvantage of the minority oil producing group left the minority group with no other option but to take their destiny in their hands and opt for threats and violence more so that the use of litigation to redress injustice have failed.

The deplorable state of dehumanization, abuse of natural values of justice and fairness, the persistent level of neglect and the parlous state of under-development of the area, the death of infrastructure, high level of environmental and natural resource degradation, constitutes a violation of the rights of the people which the people fight against by resorting to violence. This leads to political crisis of the struggle for resource control and management. Based on these the study sought to compare and contrast the management framework of petroleum resources in Nigeria, Canada and USA, as members of Organization of Petroleum Exporting countries [OPEC] and a

beneficiary of World Health Organization's (WHO) programmes, in order to see the missing gap in all the management frameworks, so that Nigeria may borrow a leaf from other countries system of management principles for the sustainability of Post-amnesty Programme and to end crisis in Niger Delta region of Nigeria for national development.

The Legal Framework of Petroleum Resource Management in Nigeria

The legal framework for oil operations in Nigeria was premised on ownership of mineral resources located anywhere in the Federation. The following are some of the legal framework for petroleum resource management in Nigeria:

- Mineral Oil Ordinance1924
- The Minerals Act of 1958
- The Nigerian Constitution of the Federal Republic of Nigeria
- The Exclusive Economic Zone Act
- Continental Shelf
- The Petroleum Decree of 1969
- The Territorial Waters Act
- Oil and Minerals Act of Nigeria
- And The Land Use Act

Mineral Oil Ordinance Of 1924

During the colonial era, the mineral oil ordinance of 1924 was the instrument regulating mines and minerals. This ordinance vests all mineral oil on the crown

The Minerals Act of 1958

The minerals Act of 1958 was enacted to amend and consolidate all existing legislations relating to mines and minerals, vesting ownership of mineral resources of which petroleum is one, in the Federal government [Sect 3 and 10 Cap 121 KFN 1859]

The Nigerian Constitution of the Federal Republic of Nigeria

In Nigeria both the independence and Republican Constitutions empowered the Federal government to legislate on mines and minerals including oil fields, oil mining, natural gas, geological surveys, in an exclusive capacity [Sec. 66 and 69 Cap 121 Laws of Federation]. The 1999 Constitution vests all mineral wealth in Nigeria in the Federal Government. According to the Constitution, the entire property in and control of all minerals, mineral oils and natural gas in under or upon any land in Nigeria, under or upon the territorial waters and the Exclusive Economic Zone of Nigeria, shall be vested in the government of the Federation, and shall be managed in such a manner as may be prescribed by the National Assembly.

The ownership, control and management of the federal government over the mineral resources located in offshore areas of Nigeria was affirmed among other issues that came up for consideration before the Supreme Curt regarding resource control rights in the judgment delivered in the 'Locus Classicus' case in 2002 [Attorney General of the Federation v the Attorney General of Abia State [No. 2 2002]. The Supreme Court held that the resources control right is vested exclusively on the Federal Government by virtue of section 44[3] of the 1999 CDFRN.

The Exclusive Economic Zone Act

The Exclusive Economic Zone Act [EEZ] vests in the Federal government sovereign and exclusive rights with respect to the exploitation of natural resources of the seabed, subsoil and superjacent waters of the EEZ. The Act delimits the EEZ as follows:"An area extending from the external limits of the territorial waters of Nigeria up to a distance of 200 nautical miles from the base line from which the breadth of the territorial waters of Nigeria is measured.

The ownership concept over mineral resources covers the land territory known as the EEZ. Nigeria's sovereignty and exclusive right within the EEZ is not limited to mineral resources [petroleum].It extends to the conservation, exploration and exploitation of the minerals and living species of the seabed, subsoil and superjacent waters. Nigeria also reserves the right to regulate by law, the establishment of artificial structures, installations and marine scientific researches. The entire property and control of all minerals, mineral oil and gas in, under and upon the territorial waters of the EEZ of Nigeria vests in the Government of the Federation to be managed as prescribed by the National Assembly.

Continental Shelf

It is the Continental Shelf that contains minerals such as oil and gas as well as other solid minerals. The Continental Shelf has been the real subject matter of derivation and natural control between the Federal Government and littoral states. The Continental Shelf of a region was regarded as part of that region and was

made to be entitled to 50% of mining royalties and rents derived from that region under the independence constitution. This has since ceased from being the case.

The Petroleum Decree of 1969

The Petroleum Decree vest s entire ownership and control of all petroleum in, under or upon any land in the Federal Government. The Decree defined land as land covered by water, land under the territorial sea or fishing part of the continental shelf. Accordingly, the control land ownership of petroleum in any part of land, be it land covered by water, land under the territorial sea or fishing part of the territorial zone, is vested on the Federal Government**.**

The Petroleum Act vests the entire ownership of and control of all petroleum in, under or upon lands in the State. This Act gave the State sole ownership and control of the country's oil and gas reserves.

The Territorial Waters Act

Within the twelve nautical miles, the Federal Government of Nigeria is conferred with exclusive jurisdiction over the ownership right of mineral resources deposited in the territorial waters of Nigeria

Oil and Minerals Act of Nigeria

The Mineral Act if 1958 was enacted to amend and consolidate all existing legislations relating to mines and minerals, vesting ownership of mineral resources of which petroleum is one, in the Federal Government. According to the 2004 Oil and Minerals Act, the entire property in and control of oil minerals, in, under or upon any land in Nigeria… is, and shall be vested in the government of the federation for and on behalf of the people of Nigeria. The act further states:"All lands in which minerals have been found in commercial quantities shall, from the commencement of this Act, be acquired by the government of the Federation in accordance with the provisions of the Land Use Act and the minister may, from tine to time, with the approval of the president, designate such lands as security lands**.**

The Land Use Act

The land use Act is an Act to vest all land compromised in the territory of each state[except land vested in the Federal government or its agencies solely on the Governor of the State, who would hold all such land in trust for the people and would henceforth be responsible for allocation of land in all urban areas to individuals resident in the state and to organizations' for residential, agriculture, commercial and other purposes while similar powers will with respect to urban areas are conferred on local government. According to the Act, subject to the provisions of this Act, all land comprised in the territory of each state in the Federation are hereby vested in the governor of that state and such land shall be held in trust and administered for the use and common benefits of all Nigerians in accordance with the provisions of this Act. The Act states as follows:"As from the commencement of this Act

- All land in urban areas shall be under the control and management of the governor of each state
- All land in urban areas shall be under the control and management of the local government within the area of jurisdiction of which the land is situated

With the above framework ownership and control of all rights pertaining to petroleum resources became vested exclusively in the Federal government of Nigeria. Who was thus entitled to grant licenses to prospecting explorer "to enter upon any specified lands or waters in Nigeria… search for and work all petroleum within or under such lands, waters or continental shelf, to carry out and dispose of products thereof, under and subject to such conditions as the Federal government may deem proper.

Management Regulatory Framework for Oil and Gas in Canada

Canada has regulatory framework put in place to manage petroleum resources in their frontier lands. Because petroleum is a strategic commodity mostly found on Crown Land and an important source of government revenue. Canadian governments have long been involved in developing energy policy and passing it into law. The petroleum industry in Canada is regulated by the following:

- Atlantic Accord
- The Canada-Nova Scotia Offshore Petroleum Resources Accord
- The National Energy Program [NEP]
- Canada Oil and Gas Operations Act [CPRA]
- Accord Implementation Acts

Atlantic Accord

Atlantic accord is an important policy question of who owns Newfoundland's offshore minerals briefly stood in the way of offshore oil and gas development. With the discovery of Hibernia came the prospect of petroleum riches from under the sea. In response, the government of Newfoundland and Labrador laid claim to mineral rights in its offshore regions. The province had been a dominion [that is ownership right of petroleum resources was vested in the sovereign] until 1934 and run by a commission of government subordinate to the British government in London. When it eventually became a Canadian province in 1949 it ceded its offshore resources to Ottawa.[McKenzie-Brown [1993]

In terms of petroleum politics, the decade beginning in 1973 was a fractious period in Canada, and Newfoundland's claim led to a stand-off with the Liberal government of Pierre Trudeau, which took the case to the Supreme Court of Canada. The court ruled against Newfoundland in 1984. At the end, however, the issue was resolved politically. In 1985, the newly elected progressive conservative [PC] government of Brian Mulroney and Newfoundland's PC government [Headed by Brian Peck Ford] negotiated a deal known as the Atlantic Accord. In the lead-up to the Federal election of 1984 this deal [Atlantic Accord] was offered by the opposition leader [Mulroney] to the Newfoundland's Progressive Conservative Government [Brian Peckford].

As a result, Peckford campaigned vigorously for the Progressive Conservatives. In the election, Newfoundland returned four Progressive Conservative MPs to the House of Commons. The Accord put aside the question of ownership of those resources. even though that issue had already been decided by the court, Instead, the agreement acted as though the two levels of government had equal mineral rights in the offshore. The governments passed mutual and parallel legislation to get the deal done [summers [2001]. In the formal signing, Ottawa and St. John's described the purposes of the Accord in these terms:

- Offshore Newfoundland for the benefit of Canada as a whole and Newfoundland and Labrador in particular;
- To protect, preserve, and advance the attainment of national self-sufficiency and security of supply;
- To recognize the equality of both governments in the management of the resource, and ensure that the pace and manner of development optimize the social and economic benefits to Canada as a whole and to Newfoundland and Labrador in particular
- To provide that the government of Newfoundland and Labrador can establish and collect resource revenue as if these resources were on land , within the province;
- To provide for stable and fair offshore management regime for industry
- to provide for a stable an permanent arrangement for the management of the offshore adjacent to Newfoundland by enacting the relevant provisions of this Accord in legislation of the Parliament of Canada and the legislature of Newfoundland and Labrador and by providing that the Accord may only be amended by the mutual consent of both governments; and
- To promote within the system of joint management, insofar as is appropriate consistency with the management regimes established for other offshore areas in Canada.

With the Accord signed and the necessary legislation being prepared, the companies involved in Hibernia could complete their development plan and negotiate project approval with the Canada-Newfoundland Offshore Petroleum Board, a regulatory body representing both levels of government [Robert 200 4].

The Canada-Nova Scotia Offshore Petroleum Resources Accord

In 1986, the Canada-Nova Scotia Offshore Petroleum resources Accord was signed, this agreement was similar to the Atlantic Accord in intent, tone and implementation. Key to these negotiations were two important Federal concessions in respect of calculations of petroleum revenue equalization payments to the provinces. In addition to the above all revenues from offshore oil and gas would accrue to the provinces at the initial stage. These deals thus allowed the provinces to tax offshore petroleum resources as if they were the owners.

In 2005, Atlantic and Canada-Nova Scotia Offshore Petroleum resource Accords were amended by a short-lived government.. These amendments provided the two Atlantic Provinces transitional protection from reductions in equalization that would have otherwise

resulted from their growing offshore revenues. As a guarantee towards this, the province offered an up-front payment of S2 billion as a pre-payment as evinced in Newfoundland's case. In an effort to create a single regime for both provinces, an alternative approach was proposed. The alternative approach the two provinces the options of either sticking to the deals they had already signed, or they could accept a more generous formula that included 50 percent of resource revenue in the equalization formula. In an environment of higher energy prices, these two traditionally poor provinces could see futures in which they would be less dependent on Federal transfers of funds.

The National Energy Program [NEP]

The Frontier Energy Policy Statement of 1985 for the basis of frontier exploration formed the current basis of the regulatory framework for all oil and gas activities on the frontier lands. In which the Canada's Federal Government imposed the National Energy Program [NEP] upon companies exploring Federal lands in 1980. The policy was far-reaching, and it included a complex mix of taxes, royalties, reversion to the crown of frontier properties, and incentive payments. The current management system for frontier lands oil and gas activity has evolved over the years since the signing of the Atlantic accord in 1985. At present, the frontier lands management system can be divided into two areas namely: Non-Accor and Accord areas. The management of petroleum resources in the Non-Accord areas is regulated by the Canada Oil and Gas operations Act [CPRA]

Canada Oil and Gas Operations Act [CPRA]

The Canada Oil and Gas Operations Act [CPRA] is in operation in the Non-Accord Areas. Non-Accord Areas consist of the North-West Territories, Nunavut, the western and Northern Offshore, the Gulf of St. Lawrence and Hudson Bay. The Act spells out rights and benefits. Different bodies are put in place to administer these rights and benefits. The Northern Oil and Gas Directorate have the Department of Indian Affairs And Northern Development [DIAND] which manages the territories and Northern Offshore Areas. A Board is also established to regulate all oil and gas activities under the Canada Oil and Gas Operations Act in these areas. The management of the remaining Non-Accord Areas is committed to the frontier Lands Management Division [FLMD].

Accord Implementation Acts

The Accord Implementation Act operates to manage petroleum resources in Accord Areas. The Accord Areas include the Newfoundland and Nova Scotia Offshore Areas. Newfoundland has the Department of mines and energy and the Nova Scotia has the Petroleum Directorate. Under this Act, the responsibility for the management of oil and gas activity is jointly shared by the Minister of Natural Resources Canada [NRCan] and the Minister responsible for Natural Resources for the respective provinces. Each area has Offshore Petroleum Board and a Minister responsible for Natural Resources which manage oil and gas activity on behalf of the Minister for Natural Resources of each province. Thus, there is the Canada-Newfoundland Offshore Petroleum Board [CNOPB] and the Canada-Nova Scotia Offshore Petroleum Board [CNSOPB] which manages oil and gas activity on behalf of the ministers. The CNOPB and CNSOPB are independent Boards, in that their staff is neither Federal nor Provincial civil servants. However, certain key decisions of these Boards referred to in the Accord Implementation Acts as "Fundamental Decisions" are subject to review by the Federal and Provincial Ministers. The ministers are advised on Fundamental Decisions, as well as on Board Management issues such as budgets and appointments, by their respective departments i.e. the Newfoundland Department of Mines and Energy, and the Nova Scotia Petroleum Directorate.

Management Regulatory Framework for Oil and Gas in United States of America

In the USA were the oil industry originated from being a free enterprise economy adopts different ownership theories, in favor of private ownership of mineral resources. The theory of private ownership differs from one jurisdiction to another. In certain jurisdiction, ownership of oil in situ is not recognized. In such cases, ownership is said to occur only when the oil has been produced and reduced to possession. In the Board case of 1960 the U.S. court refused to enjoin drilling by an adjacent land owner alleged to be draining oil from a reservoir under the plaintiff's land. According to the court, the plaintiff's remedy is "self help in drilling his own well "This is contrary to the holding of a court in Texas which adopted a different ownership theory, reasoning that oil and gas beneath the earth belonged to

the person who owned the land. The different ownership theories are state below:

- The Qualified Ownership Theory
- The Absolute Ownership Theory
- The Domainial System

The Qualified Ownership Theory

There is the Qualified Ownership Theory where no particular land owner has title to the specific oil gas underneath. This theory obtains in California and Indiana States. The land owner is not having title to the resources in situ since such a land owner can be divested by drainage without consent and without any liability on the part of the person causing the drainage. The right of the land owner over oil is the right to take away oil, or capture same. The right to reservoir is a collective one, with each landowner, having equal rights to take oil from the reservoir. They have no title as tenants in common to individual share of mineral resources in the common reservoir but each has equal right with his co-landowners to secure, acquire and procure his proportionate part of the oil gas in the common reservoir through wells drilled upon his land.

The Absolute Ownership Theory

There is also the absolute ownership theory, where the owner is regarded as having title in severalty to the oil and gas in place beneath his land. However, where the oil migrates from his land to the adjacent land and consequently produced from his neighbor's well, the land owner losses his title to the oil. Such divestiture of title by drainage gives no cause of action to the land owner. Just like in the case of qualified ownership theory, the land owner is not in fact entitled to oil and gas in his land. He however has the right to sink as many eels as he desires, and to extract as much oil and gas as he can produce. The absolute theory is popular in Texas, Pennsylvania and Arkansas. Under qualified and absolute theories, the land owners are not in fact entitled to oil and gas in their land. But they have a right to sink as many wells as they desire and to extract as much oil and gas as they can produce.

The Domainial System Theory

The Domininial System Theory is where ownership rights to mineral resources are vested in the sovereign. Apart from the United States, most countries of the world exercise sovereign rights over all mineral resources of the land, oil and gas inclusive. In most cases where sovereign rights over mineral resources is exercised by the state, ownership right is vested in their respective constitution or petroleum statutes

Legal framework regulating petroleum resources management in the United States

The Outer Continental Shelf Lands Act [OCSLA]

In the United States, the Outer Continental Shelf [OCS] has been the source of an enormous oil and gas revenue. Consequently, it has continued to attract public and private interests, so much so that the 105th and 106th Congresses visited the OCS an introduced bills seeking funding from the coastal State impacts, Land and Water Conservation Fund [LWCF], and wild life programs. Legislation introduced in the 106th congress seeks to capture half of the oil and gas revenues from the OCS for coastal States. Outer continental Shelf [OCS] is the Federal portion of the continental Shelf, extending outward from three nautical miles offshore to 200 miles territorial limit. Offshore lands within three nautical miles belong to the States, except for western Florida and Texas, where State lands extend to the 9 nautical mile line.

In the United States, the Outer Continental Shelf Lands Act [OCSLA] was enacted in 1953 as a response to the increasing interests in developing OCS oil and gas resources. OCSLA as amended is intended to provide for orderly leasing of those mining rights, while affording protection for the environment and ensuring that the Federal and State governments each receive a fair value from the resulting production.. The OCS program is carried out by the minerals Management Services [MMS] of the Department of the Interior. It has been argued that coastal states bear the brunt of remedying environmental impact and infrastructural wear-and tear accompanying OCS, oil and gas activity. These States also harbor concern about rapid development in shore side communities possibly needed to support offshore activity. These concerns are equally at the root cause of the current agitation by the South-South States of Nigeria to control their resources.

In Comparing and Contrasting Management of Petroleum Resources in the Nigeria, United States of America and Canada

In Nigeria, the Federal government is both a key player and a referee in oil and gas leasing/mining. It collects all revenues generated in the country and disburses a maximum of 13%, or as it pleases, to the states from which the resources are derived. By the recent Supreme Court decision on offshore lands, the Federal government now takes everything while the coastal states are entitled to nothing, not to talk of ecological impact, infrastructural wear-and-tear, or coastal communities' development.

In the United States, under the Qualified and Absolute theories, the owners are not in fact entitled to oil and gas in their land. But they have a right to sink as many wells as they desire and to extract as much oil and gas as they can produce. Even though the Outer Continental Shelf areas have been declared to be Federal lands, by the 106th Congress, the Coastal states receive 50% of all revenues from licenses, leases, royalties etc. This is in recognition of their proximity to these fragile ecological zones. This sort of equitable sharing formula does not exist in Nigeria, nor can we deduce its possibility, however from the recent Supreme Court judgment, indeed by its recent verdict, even the 13% derivation recognized under the constitution has been whittled down by the Supreme Court's introduction of the "Offshore "and "Onshore" Dichotomy which was abolished by Decrees 106 of 1992.

While, in Canada under the Accord Implementation Acts and other Acts support the joint management of oil and gas resources between the government of Canada and the provinces responsible for Natural Resources for the benefits of all and sundry in Canada. In Nigeria the reverse is the case despite the fact that both the U.S. and Nigeria are generally regarded as common law jurisdictions. The ownership and control of petroleum resources is vested in the people of the region where the resources are located in both U.S. and Canada. Instead, Nigeria to borrow a leaf from the management system of these Grant nations such: U.S and Canada, in response of the Nigerian Government in the region is that of threat and brutal killings, violation of human rights, intimidation and suppression. That led to militancy, antagonism, opposition and now the quest for control of the natural resources.

II.CONCLUSION

Petroleum extraction in the Niger Delta is the mainstay of the Nigerian economy. Petroleum has since its production in the Niger Delta been considered exclusively a state property. The right approach should be made to ensure that the conflict is stopped and the areas affected developed so as to foster peace and growth in the communities. The Amnesty International and all other agencies involved in peace building and in managing conflict in Niger Delta will borrow a leaf from the other countries management techniques such as in Canada and USA for the sustainability of Post-amnesty Programme in Niger Delta. It is a fact that without the collaboration of the diverse interests of all the stakeholders in the Niger Delta to operate as colleagues with equal standings, such that oil benefits are shared equitably, amnesty programme will be a waste of resources and an effort in futility.

III. RECOMMENDATIONS

Section 44[3] of the constitution of the federal republic of Nigeria as well as other enactments which vest the entire control and management of all, mineral oils and natural gas, in under or upon any land in Nigeria, under and upon the territorial waters and the exclusive economic zone of Nigeria in the Federal Government should be reviewed in favor of regional ownership of petroleum as practiced in Canada.

Our petroleum policy should be made to reflect how Nigeria can develop its petroleum resources in such a way that all Nigerians will benefit.

The ownership and control of petroleum resources be made to revert to the oil producing areas just as the case in the United States of America and as witnessed in Canada, where ownership and control of natural resources is vested in the people of the region where the resources are located. Local administrators should be appointed to manage such resources on behalf of the people in the spirit of transparency and accountability. Such local administrators should be accountable and answerable to the people of the area.

There should be a law like the Accord Implementation Act of Canada, spelling out the rights and benefits of oil producing regions and appropriate penalties spelt out to take care of any form of violation.

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