

# Memo

To: Dr. John Bruce  
From: Caleb Stevens  
CC: Dr. Jeanette Carter  
Date: 2/9/12  
Re: Adverse Possession on Public Land

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## I. Question

Does Liberian law permit adverse possession on public land?

## II. Analysis

There is no statutory law or regulation addressing this question. The Supreme Court case most on point is *Komai v. Minister of Justice*, 36 LLR 518 (1989). In this case, the Ministry of Justice sent Komai a letter informing him that he must vacate the public land on which he resided unless by a certain date he provided proof of ownership. Komai sought a writ of prohibition against the Ministry in order to bar the expropriation of his property without just compensation. In this case the Court held that the Ministry of Justice may “warn” squatters to leave “government property,” stating:

The Ministry of Justice, as the principal legal adviser to the Government of Liberia, has the proper authority to *warn* a squatter upon government property to leave. Anyone receiving such warning and knowing that he is not a squatter, but rather a legitimate owner of said property may submit his title document to the Ministry of Justice for inspection as has been requested by the appellee.

The Court did not expressly hold that the Ministry of Justice may eject squatters from public land, but that is the clear implication. If it is lawful for the Ministry of Justice to warn of impending ejection, then logically they may eject if the warning is not heeded.

Nor did the Court clarify what it meant by “squatter.” There is nothing in the case indicating that Komai had a squatter permit. On the contrary, in the initial petition for a writ of prohibition Komai attached his deed allegedly covering the property at issue. However, in another case the Court defined a squatter by borrowing from Black’s Law Dictionary, “A term of American origin applied to settlers

on public lands of the United States who have not complied with the regulations of the land office.”<sup>1</sup> In other words, a squatter is someone who does not have legal approval from the appropriate regulatory body to reside on public land.

Although the Court in *Komai* did not directly address the issue of whether a person may acquire ownership of public land through adverse possession, the broad definition of squatter suggests it is not permitted. Acquiring ownership by adverse possession is quite different from ownership through legal approval by the appropriate regulatory body. Because the Liberian Supreme Court defines a squatter as anyone who has not obtained legal approval by the appropriate regulatory body, the term encompasses a putative adverse possessor. That is, the *Komai* case can be interpreted to mean that the Ministry of Justice may warn squatters, which includes adverse possessors, to vacate public land and, implicitly, eject them if they fail to comply with the warning.

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<sup>1</sup> *Dasusea v. Coleman*, 36 LLR 102 (1989).