

## **KAVA, KASTOM AND INDIGENOUS KNOWLEDGE: NEXT STEPS UNDER THE NAGOYA PROTOCOL**

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### **ABSTRACT**

This paper considers the new impetus under the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS) to the Convention on Biological Diversity (CBD), to encourage recognition of customary laws and community protocols relating to genetic resources and associated traditional knowledge. This paper highlights patent activity relating to Kava (*Piper methysticum*) and concerns that might arise from this. In relation to Kava, this paper then considers efforts being made under the several laws relating to traditional knowledge and the codification of custom in Vanuatu, with some preliminary discussions about the concerns and impacts relating to the booming interest and trade in Kava.