

IP Survey Report

I . Introduction

The intangible cultural heritage (ICH) of Kazakh people, in its traditional sense, represents a deep spiritual legacy and a rich treasury of human creativity and wisdom belonging to a culture located on the intersection of settled and nomadic civilisations and on the point of historic, cultural, and social contact between Asia and Europe.

For centuries, the people of the Kazakh steppe lived inspired by poetic eloquence, soulful music compositions, and sacred ancient rituals related to the cycles of nature and astronomic phases. Distinctive traditional craftsmanship and performing arts were also a source of inspiration.

After standing through centuries-old tests of socio-political turmoil such ICH elements have acquired deep historic significance and cultural-artistic value for the Kazakh people, the direct inheritors of Kazakh ICH, and these elements have become an axis of intercultural convergence and mutual respect among all ethnic groups residing in Kazakhstan.

For instance, celebration of Nauryz¹ is commonly perceived as the most anticipated, vibrant, and joyfully celebrated national holiday of Kazakhstan. The holiday symbolises the unity of Kazakhstani people without making any distinctions in ethnic, religious, or social background.

According to Article 2 of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (the Convention), ICH represents the practices, representations, expressions, knowledge, and skills—as well as the instruments, objects, artifacts, and cultural spaces associated therewith—that communities, groups, and in some cases, individuals recognise as part of their cultural heritage, transmit from generation to generation, and constantly

¹ Nauryz, Nevruz, Nooruz, Novruz—the festival of the New Year is celebrated according to the spring equinox on the lunar calendar (March 21–23) in Iran, Central Asia, Russia, China, Turkey, Iraq, Pakistan, India, and other nations. It was inscribed on the UNESCO Representative List of the ICH in 2009.

recreate in response to their environment and interactions with nature and history, thus providing them with the sense of identity and continuity and promoting, in such a manner, respect for cultural diversity and human creativity on a global scale.²

Transmission of traditional knowledge and skills on the basis of succession and continuity of generations not only secures historically accumulated experience of practical activities of any multinational society, such as Kazakhstan, but also forms its ethnic identity and national historic background, regulates the norms of social behavior, constitutes cultural perception of an individual, society, and state, and most importantly, shapes its future role and mission in the universal development of humankind.

Preserving its fundamental values till today, the manifestation of ICH exists through folklore, traditional music, arts, crafts, sports and national games, customs, and rituals as well as through the knowledge and skills of cosmogony, astronomy, and ethnic philosophy. ICH includes ways of perceiving life, which bears in itself the key properties and qualities of a society's ethnic and cultural development.

ICH is a distinctive cultural phenomenon, unlike material constructions, works of art, and written manuscripts—things that can be seen and touched—ICH is something elusive, ephemeral, transmitted from mouth to mouth and existing in the memory of its bearers and practitioners. As forms of social, cultural, and psychological mechanisms that reproduce tradition and art, ICH survives only through certain individuals. Therefore, the death of the direct holders and custodians of ICH can lead to irretrievable loss of certain types of ICH.

In this regard, current field survey provided by the International Information and Networking Center for Intangible Cultural Heritage in the Asia-Pacific Region under the auspices of UNESCO (ICHCAP) to detect intellectual property issues arising in the process of ICH information building and sharing activities was carried out by ICH-related institutes of Kazakhstan to shed light on the questions of legal protection not solely in regards to ICH, but intellectual property rights in general.

² UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage adopted in Paris, October 2003.