

control of their ceremonial objects; and the right to the repatriation of their human remains. [Article 12:1]

- States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned. [Article 12:2]

The *Declaration*, in conjunction with Section 35 of Canada's *Constitution Act, 1982*, which recognizes and affirms existing Aboriginal and Treaty rights, and various court rulings related to Aboriginal rights have fundamentally altered the landscape in Canada's public history institutions. In light of court decisions that have declared that the principle of the honour of the Crown must be upheld by the state in all its dealings with Aboriginal peoples and that Aboriginal peoples' oral history must be "placed on an equal footing" with written historical documents, national museums and archives have been compelled to respond accordingly.¹³³ The governance structures, policies, ethical codes, and daily operations of national museums and archives have had to adapt to accommodate the constitutional and legal realities of Canada's changing relationship with Aboriginal peoples.¹³⁴

Canada's national museums

The 1996 *Report of the Royal Commission on Aboriginal Peoples* made a specific recommendation to Canada's museums.

- a) Museums and cultural institutions [should] adopt ethical guidelines governing all aspects of collection, disposition, display and interpretation of artifacts related to Aboriginal culture and heritage, including the following:
- b) Involving Aboriginal people in drafting, endorsing and implementing the guidelines;
- c) Creating inventories of relevant holdings and making such inventories freely accessible to Aboriginal people;
- d) Cataloguing and designating appropriate use and display of relevant holdings;
- e) Repatriating, on request, objects that are sacred or integral to the history and continuity of particular nations and communities;
- f) Returning human remains to the family, community or nation of origin, on request, or consulting with Aboriginal advisers on appropriate disposition, where remains cannot be associated with a particular nation;
- g) Ensuring that Aboriginal people and communities have effective access to cultural education and training opportunities available through museums and cultural institutions. [Recommendation 3.6.4]¹³⁵