

# Invasion Day Exercise: Critique and reimagining.

## The Racial State Week 6

We are going to subvert the idea that there is a debate to be had about 'Australia Day', known more correctly as Invasion Day. We are going to be engaging with Professor Irene Watson's short text, 'Why celebrate on the day that marks crimes of colonialism and genocide?' published on Indigenous X.

We will read the text, summarise it, think of our own reasons for cancelling 'Australia Day' and creatively imagine an alternative day.

# Why celebrate on the day that marks crimes of colonialism and genocide?

by Professor Irene Watson

Aboriginal Peoples and Nations are subjects in international law: always was and always will be. We have held our relationship to country from time immemorial and we are still here today. We survive under the duress of an ongoing colonialism, but we continue to maintain our relationships with land and peoples to this day.

Aboriginal Australia is evidence of the earliest known International relations, and lawful observance of those relations. Evidence of the density of international relations is in the numerous Aboriginal languages which belong to Aboriginal Australia. Despite this, the denial of our existence as Nations of Peoples is ongoing.

Our First Nations laws, presence and connections created an unbreakable responsibility and relationship to our lands which predates British common law conceptions of real property, and the common law of Australia. We have never relinquished, ceded or surrendered responsibility or ownership, as such actions are not within our ontology or world view and laws.

The Australian state has consistently imposed its laws, policies and procedures on our Nations and lands based on the false and racist premise that our inherent rights to our lands and our natural world are subservient to the Australian Crown's "presumed underlying title". At its core, the belief in the Crown's presumed underlying title is based on racially offensive colonial ideologies and attitudes which were enshrined in the doctrine of terra nullius used by European colonial powers to deny Aboriginal Peoples' rights to their lands.

Since the invasion of our lands by the British Empire, the First Nations of Australia have asked the question: "by what lawful authority do you come to our lands? What authorises your efforts to dispossess us of our ancient connections to them?"

These questions remain unanswered to this day, though we remain hopeful that there will come an acknowledgement of the sovereign position of the Aboriginal Peoples of Australia, whose lands have been unlawfully entered, stolen and governed without our consent.

We have always been here. But our lands have been constructed as 'property' by the colonial legal system of the British invaders. Meanwhile we continue to maintain a lawful relational connection to our lands and our natural world.

We have never ceded our sovereignty and never consented to a terra-nullius construct of our Nations. The assumption that the coloniser could subjugate us to their way of being, to dismantle our relationships to our laws and our lands, is a denial of our ways of existence. The assumption that the coloniser could deny our existence, our ways of being and our relational legal systems is an act of racism.

In Mabo, the High Court of Australia stated that the doctrine of terra nullius was rejected in its application to Australian laws of property. However terra nullius and its racially offensive principles and beliefs continue to exist in Commonwealth and state jurisdictions and political policy across Australia. Terra nullius continues to legitimise the legal foundation of the Australian state, and as a result it continues to deny Aboriginal Nations' legal subjectivity and our lawful relationships to land. Instead, our identities are defined as subjects of Australian law and our relationship to land is framed within the confines of Australian property law.



Aboriginal futures lie in the acknowledgement of the standing sovereign position of the Aboriginal peoples of Australia, whose lands have been unlawfully entered, stolen and governed without our consent.

We will continue to assert our position in international law and we will continue to ask the State of Australia: by what lawful authority have you taken our Nations from our Lands?

Acts of colonialism and genocide continue under the terra nullius foundation of the Australian State. Evidence of ongoing violations continue against our children, women, men and our lands.

Why celebrate this violent colonial history of genocide? Who does this?

# Using the text above

**1**

Summarise the main points in Prof Watson's argument

**2**

Elaborate two further arguments for changing the date from your own POV

**3**

Come up with a creative idea for an alternative to Australia Day