

*The Island of the Dragon**

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It is called Tatsunoshima, the Island of the Dragon. It lies curled in a 'C', with its back to the rough Japan Sea and its feet stretched towards Iki Island across a mile-wide channel. Its moods are changeable . . . and sometimes deadly.

During the summer months the Dragon is warm and friendly; vacationers flock by the hundreds to nestle up to its white sand belly and row boats in the clear, quiet waters of the protected bay. Katsumoto village, a community on the northern coast of Iki Island, makes most of its summer money catering to these visitors and tourists.

During the winter months of February through April, however, the Dragon shows its grim side. Amid human shouts, high-pitched whistles of dolphins in distress and sounds of frantic splashing, the crystal water turns a brilliant red. The dragon bloods its kill: the annual dolphin slaughter has begun.

It hasn't always been thus. Until just a few years ago Tatsunoshima was used only by vacationers and other visitors who sought contact with their Shinto past; the small, uninhabited island is designated a national park. Its serene beauty summons up an image of ancient Japan. This image changed abruptly in 1978, when the fishermen of Iki Island thrust Tatsunoshima into world prominence by slaughtering over 1,000 dolphins, drawing cries of anger and protest from around the globe.

I caught my first glimpse of Tatsunoshima in August on 1978, through the forest of masts in Katsumoto harbour. I was there to talk with Niichiro Kashii, head of the Katsumoto Fishermen's Co-operative, in order to understand the fishermen's position concerning the slaughter of dolphins. I found Kashii-san to be a gentle, gracious host who made a genuine attempt to understand the furore the dolphin slaughter had caused abroad. He made every effort to explain to me the fishermen's viewpoint.

I was already aware of the extent of dolphin killing in Japan. In 1975 I had toured Japan as part of a marine studies course. My particular interests were Japan's whaling industry and marine pollution. I learned of the extensive dolphin 'fishery' while talking to dolphin researchers at Tokyo University. At that time the primary reason for dolphin slaughters was food and, to a lesser extent, fertilizer and oil. The situation in Iki was rather different: the main issue was competition for limited resources.

For over ten years local fishermen had complained of dolphins scaring away the *huri* (yellowtail tuna) and squid. After asking for, and being denied, help from their Government, they took matters into their own hands. Dolphins were herded into the deep cove of Tatsunoshima, barricaded by nets at the bay's mouth, and methodically slaughtered. To the fishermen, who saw their profits dropping yearly, there seemed no alternative.

When I told Mr Kashii of my interest in finding an alternative to the slaughter he was receptive to the idea, although sceptical about whether it could succeed.

I returned in December of 1978, financed by the Fund for Animals and Greenpeace. I took with me Jim Nollman, a specialist in interspecies music. In addition; I also took along Jacques Cousteau film which showed the fishermen of Mauritania co-operating with dolphins to catch fish, which, I hoped, would illustrate to the local fishermen that co-operation was possible.

* In PETER SINGER (ed), *In Defense of Animals*, New York: Basil Blackwell, 1985, pp. 148-156.

Accomplishing this, we would journey to the fishing area and use Nollman and his instruments to attempt to attract dolphins to our boat. Jim had been successful at this very thing before in both California and Mexico, and we hoped that a successful demonstration here would convince the fishermen that co-operation with dolphins, as opposed to competition, was worth exploring further. The film was a great success, sparking the interest not only of Kashii but of the village children as well. Unfortunately, the attempt to attract dolphins drew a blank. There were no dolphins in the area at that time.

We did, however, attract considerable media attention. Our attempts to communicate with the dolphins in the hope of finding a solution to the Iki 'dolphin problem' received nationwide, and quite sympathetic, coverage on two of the three top television networks in Japan.

My next visit to Iki and the Dragon Island came the following March. This time I took along Frank Robson from New Zealand. Robson, author of the book *Thinking Dolphins, Talking Whales*, had demonstrated amazing success in communicating empathetically with dolphins. While head of the dolphin-training programme at Marineland in New Zealand, he did all training by communicating directly with the dolphins, eschewing both whistle and food rewards. The performances of his dolphins remain unexcelled to this day.

The plan this time was for Frank to try to communicate to the dolphins that they should stay on the periphery of the fishing banks, leaving the centre to the fishermen; thus any fish trying to escape the dolphins would head straight for the fishing boats. The dolphins would be able to catch the fish they needed while acting as a sort of living net to help the fishermen. It was much like the method of the fishermen and dolphins in Mauritania.

Again the media showed considerable interest in the project. Frank was shown on NHK, the national TV network, as he talked to dolphins at an oceanarium near Tokyo. The dolphins took an obvious interest in him, appearing to understand what he was saying. Frank, a grandfatherly figure, has been a fisherman for forty years. He understands the problems of that way of life. We headed for Iki with high hopes of bridging the gap between the fishermen and the dolphins.

We were too late. The dragon had spread its claws. The week before we arrived fishermen had conducted a dolphin round-up and had slaughtered some 400 dolphins. For the duration of our week-long visit, the only dolphins to be seen at Tatsunoshima were dead ones.

It wasn't, however, an entirely wasted trip. We made several trips to the fishing banks with the fishermen and saw, at first hand, the methods used to catch the *huri* and squid. Hardy Jones, of the Breach Foundation, recorded it all on film. At these fishing banks the truth of the situation became apparent: the problem was, very clearly, not one of too many dolphins but of too many fishermen. The fishing banks were literally packed with boats, giving fishermen little room to manoeuvre. We learned that as other fishing grounds around Japan became fished out, more and more fishermen were converging upon these banks. In the last three years alone the number of boats fishing this small area had increased by more than 200. It was an obvious case of overfishing, and the dolphins were being made the scapegoats.

The dolphins migrate through these waters annually on their way north in the Japan Sea. They are in the area for only two or three months. The fishing banks the Iki fishermen claim as their own have undoubtedly been dolphin feeding stops for thousands, possibly millions, of years. Despite the fact that the dolphins obviously have prior claim to fish resources here, any solution to the conflict would have to be agreeable to the fishermen.

The closer we looked at the situation, the more clearly we could see the problems the fishermen were facing. I visited a *huri* farm on the island. I learned that the culture of *huri*, a quality fish that fetches a premium price in Japan, is a booming business - so successful, in

fact, that it is undercutting the *huri* fisheries. The bulk of *huri* sold in Japanese markets is cultured. To make matters worse, the *huri* farms obtain their *huri* fry, called *mojako*, from the spawning areas near Kyushu. Hundreds of tons of the tiny fish are netted with small-mesh nets, some to be sold directly as food in the markets nationwide, the rest to be sold to the *huri* farms. Thus fewer *mojako* survive to become adult *huri* and migrate up the coast to the Iki fishing banks. Along their path up the Kyushu coast the *mojako*, who hug the shoreline, pass numerous industrial centres, including Minamata, the 'home' of mercury poisoning, or Minimata disease. The *mojako* are very susceptible to chemical pollution, especially mercury. It became apparent that overfishing was only part of the problem.

In one respect the fishermen were probably correct: there *weren't* enough fish left for both humans and dolphins. Yet, as a human problem, it had to have a human solution. Punishing the dolphins was as unfair as it was ecologically foolish.

Fortunately, a number of potentially workable human solutions presented themselves during my subsequent research, and in November of 1979 a telephone petition urging the implementation of these dolphin-saving alternatives was directed to the US (because of the tuna-dolphin problem) and Japanese Governments. As a part of that campaign, a proposal I had drawn up was delivered to various Japanese government agencies. This proposal included: a dolphin-damage insurance plan, designed to reimburse Iki fishermen for any financial losses caused by dolphin intervention, with the dolphins remaining unmolested; government assistance to Iki island to help establish appropriate aquaculture and mariculture programmes as alternative occupations, thus ensuring jobs and food supply on a continuing basis; government assistance in the construction of artificial reefs and *huri* hatcheries to rebuild the devastated *huri* population around the island; government-enforced reduction of the number of fishing boats allowed in the area to an ecologically sustainable number. The Japanese government was already spending huge amounts in dolphin bounties, machinery and foreign public relations in order to perpetuate the slaughter; these suggested programmes would provide a way to spend this money that would solve the problem of the dolphins *and* the fishermen.

On my final visit to Iki, in February 1980, I planned to follow through with this proposal: to get the endorsement of the Iki fishermen, if possible, and to press for government action. I didn't get the chance. The day my family and I arrived on Iki, we learned they were already herding the dolphins in towards Tatsu-noshima. The next morning we arranged to journey to the Island of the Dragon.

The scene that met us was straight out of Dante. Between about 800 and 1,000 dolphins were in the cove, many beached and dying a lingering, agonizing death. Others were caught in the nets, struggling to get their blowholes above the water's surface to gasp for one more breath. On the beach hundreds more lay dead and dying, blood gushing from spear wounds in their sides. About sixty fishermen were busy with the massacre. While some, dressed in full wetsuits, waded in the chest-deep, blood-red water catching the dolphins and tying ropes to their tails, another twenty or so pulled in unison on a stout rope. A writhing dolphin, pulled by the tail flukes, slipped and slid over the bodies of her friends and relatives and lay gasping and whistling on the beach, while two or three men with spears jabbed until blood came gushing forth. At any moment a dozen or more dolphins were heaving in their last struggle, their life flowing red into the sand. My wife, Suzie, and cameraman Howard Hall constantly changed angles, recording on film this ghastly side of the Dragon Island.

We learned that the fishermen would receive a bounty of \$80 per dolphin, half of this paid by the Japanese Government. Dolphin meat, not normally a part of the Iki diet, was being promoted in a full-colour pamphlet produced by a government agency. A huge \$147,000 grinding machine, purchased with government assistance, was being employed to grind the dolphins into a mush that would be used as pig feed and fertilizer.

What had begun two years ago as a desperate move by the fishermen had now become a profitable business. Watching the giant grinding machine do its grisly work, I knew all my efforts to find alternatives had come to nothing.

The following day most of the fishermen occupied themselves by grinding up the dolphins slaughtered the day before. I spent the day buying necessary equipment and that night, in the teeth of a building storm, paddled a small inflatable kayak a mile across the channel to Tatsunoshima, where some 500 dolphins were still awaiting execution.

Untying three ropes, severing one, I opened the jaws of the Dragon. As the winds reached gale force, I realized I would be unable to paddle back to the main island. It was just as well. There were dozens of dolphins left stranded on the beach as the tide fell. I spend the rest of the night helping them to deeper water and the chance of freedom.

Not all the dolphins escaped. Some were injured, and some, I feel, simply made the choice not to abandon loved ones. By the time the fishermen arrived the next morning approximately 250 dolphins had found their way out of the nets to freedom.

I was turned over to the police by the fishermen and subsequently charged with forceful obstruction of the fishermen's business. I spent the next three months in solitary confinement at Sasebo prison. During this time my trial proceeded.

At my trial Milton Kaufman, of the Fund for Animals and Monitor International, testified to the ecological short-sightedness of such dolphin slaughters and the worldwide reaction to Japan's policy of dolphin eradication. Peter Singer came from Australia to testify to the philosophical and moral implications of the dolphin slaughters. Buddhist teachings of reverence for sentient life were discussed, as well as the fact that the small island where the slaughters took place is a national park where such killing is strictly forbidden.

My lawyer, Manabu Arioka, who volunteered his services, tried to apprise me of the differences between Japanese law and US law. I was still caught off-guard. Japanese law allows a judge to refuse bail to anyone who does not have a permanent address in Japan. The trial judge would not accept my Tokyo address as permanent because, as I was a foreigner, my permanent address must, by definition, be abroad. He refused bail. My lawyer objected that such reasoning would deny bail to any visitor to Japan, which would contravene Japan's constitution guaranteeing equal treatment under the law, regardless of nationality. The Judge's response: 'But Mr Gate is not just any visitor to Japan. He has committed a crime.' Aside from the rather circular reasoning, this incident taught me that in Japan, once you are charged, the assumption is that you are guilty, although theoretically you are innocent until proven guilty. There is no jury, and the judge has complete autocratic power. He is not bound by precedent, as are US judges. He has the authority to credit or discredit any testimony or line of reasoning, without explanation.

This system has some obvious disadvantages, but it also has some advantages. Because the judge has control of the outcome of the trial, he may feel less constrained about what he may allow as testimony. It is unlikely that in a similar trial in the United States the judge would allow a philosopher to testify concerning animal rights. In fact, Peter Singer's testimony on the dolphins' behalf is, as far as I am aware, the first time such testimony has been allowed in a criminal court anywhere.

The Japanese system also allows a defendant personally to cross-examine any witness. This was especially useful, as I had very little time to confer with my lawyer before entering the courtroom. He had slight knowledge either of dolphins or of my activities concerning dolphins in Iki or anywhere else. He had volunteered his services out of a conviction that what the

fishermen were doing was wrong and that my actions were morally and legally justified. The trial took on a two-level aspect: I dealt with the moral and philosophical implications, while Mr Arioka dealt with strictly legal matters. For the most part it was an effective division of labour. The greatest problems were in the area of communication. They were quite frustrating.

The court interpreter had a fair command of English, which in most situations, I'm sure, would have sufficed. However, in this situation there were many concepts quite foreign to the Japanese way of thinking. It was very difficult to communicate our view of the dolphins to the judge. In several instances I intercepted rather serious misinterpretations, even with my meagre knowledge of Japanese. The interpreter had a very difficult time with the concept of ecology, and when he translated testimony concerning the intelligence of dolphins the courtroom, filled with Japanese reporters and onlookers, burst into laughter. Obviously something was lost in the translation. The judge asked Peter Singer, 'If these dolphins are so intelligent, do they go to school?' It became evident that the philosophical gap between the Japanese and the Westerners was even greater than I had realized. Most of my discussions with Japanese had been with the small minority who shared my views concerning ecology and with a few who even shared my concern for the cetaceans. Even these balked, with very few exceptions, when I talked of dolphins as the 'people of the sea'. The thought that any other creature, besides humans, might have language, might have thoughts as sophisticated as ours, might have similar feelings, was totally unacceptable. When I mentioned the size and complexity of the cetacean brain, the judge responded with, 'If dolphins are so intelligent, why do they lead American tuna boats to schools of tuna, only to meet with death themselves?' I didn't know whether to try to correct his misapprehension of the tuna—dolphin situation or to try to deal with the intelligence issue further - or to give it up as a lost cause. The only thing that kept me going was the knowledge that the courtroom was filled with reporters, some of whom just might understand what I was saying.

Perhaps the best communications bridge was Uncle Harry Mitchell, a Hawaiian taro farmer and fisherman, who came over to Japan at my request. He talked with both the judge and Mr Kashii, head of the Iki fishermen's union. I believe his down-to-earth Hawaiian wisdom did more to communicate our concern for the dolphins and the overriding concern for a healthy marine environment than could all of our talk of ecology and animal rights.

In the end the whole trial came to have the farcical appearance of a *shibai*, a Japanese play. After three months in detention and six days in court (the Japanese judicial system allows only two days in court per month, hence the three month detention), the judge issued his verdict and passed sentence. All defence arguments went by the way as the judge limited his considerations to 'forceful obstruction'. I was found guilty, given a six-month suspended sentence and turned over to Immigration. During my stay in Sasebo prison my visa had expired, so I was now labelled an illegal alien to be held in detention for the duration of any appeal I might undertake; if I signed a waiver of my right to appeal, on the other hand, I would be deported immediately. After learning that the appeal process can take three years or more, I signed the waiver. I also learned that I had a choice over deportation: if I paid for my own ticket, I could leave immediately; if I insisted that the Japanese Government pay, there would be a delay of six months, during which time, of course, I would have to remain in detention. I paid.

After the trial I asked my lawyer if he thought the outcome of the trial had been predetermined by higher-ups in government. 'Oh yes,' he responded. I asked what percentage of the cases that go to trial in Japan end up in convictions. 'More than 99 per cent,' was his answer.

Since my return to Hawaii I have frequently been asked, 'Was it worth it?' Certainly the three months in prison did me no harm and probably did me some good. The dolphin slaughters in Iki continued, although the numbers killed the following years were 90 per cent fewer than in

1980. The fishermen reported that the dolphins were much more difficult to herd into the nets. Other dolphin slaughters have continued in Japan and elsewhere in the world. I fear they are on the rise. Just as terrestrial mammals have been forced off their land and exterminated, so too are marine mammals increasingly becoming the victims of unchecked human expansion. It is a global problem. So to whatever extent my action served to publicize the problem, it was worth it.

However, as I recall my feelings and thoughts of 29 February 1980 I realize that these things were not my major concern. I had witnessed my brothers and sisters of the sea suffering and had had the opportunity to help them. I had really had no choice. Was it worth it? Ask the dolphins.

Tatsunoshima symbolizes to me the plight of our planet. The friendly face of the Dragon shows us the possibility of living peaceful lives in tune with the beauty of our environment, of coexisting with all creatures, including other people of all shapes and colours. The destructive face of the Dragon consumes all in its path, cherishing no life other than its own. Its self-centred rampage can have but one end: extinction. The fire-breathing Dragon springs from the depths of our reptilian past. Can we transcend the demon that lies within us, or are we doomed to destroy our planet, this lovely island in space? Maybe the dolphins have the answer.