Within South Korea, the dog meat trade occupies a liminal legal space—neither explicitly condoned, nor technically prohibited. As a result of existing in this legal gray area, all facets of the dog meat trade within South Korea—from dog farms, to transport, to slaughter, to consumption—are poorly regulated and often obfuscated from review. In the South Korean context, the dog meat trade itself not only terminally impacts millions of canine lives each year, but resonates in a larger national context: raising environmental concerns, and standing as a proxy for cultural and political change.

Part II of this Article describes the nature of the dog meat trade as it operates within South Korea; Part III examines how South Korean law relates to the dog meat trade; Part IV explores potentially fruitful challenges to the dog meat trade under South Korean law; similarly, Part V discusses growing social pressure being deployed against the dog meat trade.

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* © Claire Czajkowski 2014. J.D. 2014, Lewis & Clark Law School. I credit and thank Rosalyn Morrison for her advisement and work on this issue. In addition, thanks and appreciation to Nicholas Fromherz, J.D., for his thoughtful insight and suggestions. The views expressed and all errors remain my own.
I. INTRODUCTION

Dogs occupy a unique position in society. Believed to be the first domesticated animal, dogs have historically been humans’ most trusted friends and companions. The domestication of dogs predates the beginning of agriculture, and dogs have performed many services to humans including hunting, herding, assisting police and military, and providing companionship. Today, some consider dogs treasured pets or companions, but others view them as a source of meat. Worldwide, humans consume as many as 25 million dogs each year. The subject of consuming dog meat is highly emotive and evokes strong sentiments on both sides of the issue.

Within Asia, Singapore, Taiwan, Hong Kong, and the Philippines have banned the slaughter of dogs for meat consumption. However, in South Korea, consumption of dog meat prevails and the industry is thriving: about 2.5 million dogs are slaughtered for food each year. Rampant cruelty is inflicted on dogs raised for consumption at all

4. See Podberscek, supra note 1, at 617, 627 (explaining that many Westerners are strongly against eating dog meat, but many South Koreans are opposed to banning dog meat).
6. This Article follows the common convention of referring to the Republic of Korea as South Korea. Dog meat consumption in North Korea (the Democratic People’s Republic of Korea) is beyond the scope of this Article.
points of the trade, from intensive farming methods on dog farms to inhumane slaughter methods.\(^8\)

The dog meat trade exists in a legal gray area in South Korea, neither fully legal nor illegal.\(^9\) The concept of an industry operating in an ambiguous legal state may be familiar to readers in the United States (U.S.). For example, the recreational use of marijuana is effectively legal in some states,\(^10\) while the drug remains classified as a Schedule I controlled substance under federal law.\(^11\) As this Article will show, the legal uncertainty surrounding the dog meat trade, coupled with a policy impasse, creates a difficult climate in which to bring an end to the dog meat trade.

Ending the production and consumption of dog meat may implicate many legal and sociological challenges. This Article explores the current status of the dog meat trade in South Korea and various efforts to end the trade. Part II summarizes the current scale of the dog meat trade and the rampant cruelty associated with dog farms, slaughter methods, and markets. Part III provides an overview of South Korean society and culture regarding dog meat consumption and offers a synopsis of the relevant animal protection laws and the legal status of dog meat. Part IV looks at different focuses for potential legal challenges to the trade, including on animal welfare, antibiotic use, and pollution. Part V explores efforts to end the dog meat trade through social means, including public health campaigns, protests, and the use of the publicity surrounding the upcoming Olympic Games.\(^12\) Finally, Part VI concludes that a social consensus against dog meat consumption is necessary, not only for enforcement of existing law, but also for the promulgation of more effective measures banning the dog meat trade in South Korea.

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\(^8\) Ending the Dog Meat Trade, supra note 3.


\(^12\) PyeongChang, South Korea has been selected to host the 2018 Winter Olympic Games. PyeongChang 2018 Olympics: Next Winter Olympic Games in Korea, INT’L OLYMPIC COMM., http://www.olympic.org/pyeongchang-2018-winter-olympics (accessed Nov. 21, 2014) [http://perma.cc/6W9T-4ESW].
II. STATE OF THE ISSUE

A. Scope of the Dog Meat Trade in South Korea

Approximately 2.5 million dogs are slaughtered for food in South Korea each year. South Koreans consume an estimated 100,000 tons of dog meat annually. Of this, 93,600 tons is consumed in the form of gaesoju, a health tonic. The dog meat industry, which encompasses both the production and sale of dogs, has an estimated value of about $2 billion U.S. dollars.

Many restaurants do not register as dog meat vendors so it is difficult to accurately estimate how many actually serve dog meat. However, some organizations believe that over 20,000 restaurants in South Korea serve dog meat; it is the fourth most-consumed meat in the country. When eaten as a food, dog meat is most commonly consumed in a stew called bosintang. Although eaten year-round, dog meat consumption spikes during the traditional three hottest days of the year, the Boknal days known as Chobuk, Jungbok, and Malbok. The Boknal days are determined according to a lunar calendar and typically fall in late July or early August. Some South Koreans believe that eating dog meat during the summer will fight against the effects of heat and humidity. Historically, the consumption of dog meat is associated with individuals trying to maintain their stamina during summer heat.

In South Korea, dog meat is also used for medicinal purposes. Classified as a 'hot food,' dog meat is believed to be “good for the yang,
the male, hot, extroverted component of human nature." Medicinally, dog meat is commonly consumed in liquid form, *gaesoju*, which is made by boiling the meat in a pressure cooker and then mixing it with herbs. Some proponents argue that *gaesoju* is good for stamina and post-operative recovery. Men and women in South Korea consume *gaesoju* equally.

Estimates of the number of Koreans that consume dog meat vary widely. According to one survey, 61.7% of Koreans have consumed dog meat at least once. However, other surveys found only 30–42% of Koreans have ever tried dog meat. According to Korea Animal Rights Advocates, a Ministry of Agriculture survey reported that 59% of respondents under the age of thirty would not eat dog meat and 62% of respondents under the age of thirty regard dogs as pets, not food. In a survey conducted in 2004, 55% of respondents tended to disapprove or strongly disapprove of using dogs for food.

### B. Dog Farms

In South Korea, dogs are farmed using intensive farming methods. The most common breed of dog raised on farms is the *nureongi* (yellow dog), which is mid-sized with short hair. In 2002, there were an estimated 765,006 dog farms throughout South Korea, mostly located in rural parts of the country. Farmed dogs typically spend their brief lives in cages raised above the ground, which—despite being designed to allow waste drainage—are typically filthy. Often, the cages offer no protection from the elements: dogs become physically distressed, and may suffer or even die from heat exhaustion or extreme cold.

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24 Id.
25 Id.
27 Podberscek, *supra* note 1, at 622.
29 *Statistics, supra* note 7.
30 Id.
31 Podberscek, *supra* note 1, at 618, 625.
32 Id. at 622.
34 *Ending the Dog Meat Trade, supra* note 3.
Dogs are highly social animals and become stressed by dog farm conditions. Farmed dogs often exhibit symptoms of physical disease and mental stress, and suffer when deprived of healthy contact with other dogs and people. Additionally, the practice of forcing dogs into inadequate group housing, such as shared small cages, results in stress, injury, and death. These dogs must compete for a limited food supply, resulting in increased aggression and injury. Frequently, the dogs are fed an inadequate diet of human food waste, including rotting waste from restaurants. Bacteria and human saliva may contaminate the food waste, increasing the likelihood of zoonosis (disease communication between humans and non-human animals).

An investigation by Korea Animal Rights Advocates uncovered that some farms were processing deceased puppies and feeding the remains to dogs.

The overuse of antibiotics and other drugs is commonplace on dog farms to combat unsanitary conditions and to keep diseased dogs alive long enough to be sent to slaughter. Farmers often neglect proper disease control methods such as parasite control. Instead, the most commonly used drugs at dog farms are antibiotics, anti-diarrheals, and...
steroids. At one farm, a manager admitted to administering a dose of drugs that is approximately ten times higher than the recommended dose.

C. Slaughter Methods

The methods used to slaughter dogs in South Korea are particularly heinous. Many slaughterers intentionally heighten the dog’s pain and suffering because of a belief that the adrenaline released enhances the meat’s taste and associated health benefits. Furthermore, some believe that the meat gains aphrodisiacal qualities from adrenaline. Historically, the most common method to kill dogs was hanging them and beating them with sticks. Other popular slaughter methods include burning the dog with a blowtorch, boiling the dog alive, and bleeding out the dog.

Electrocution has been the most common method used to kill dogs in the South Korean dog meat trade since at least the late 1990s. Electric rods are used to shock and paralyze the dogs. Slaughterers often find it is necessary to deliver multiple electric shocks to a dog’s head before the dog stops moving; indeed, dogs may remain conscious enough to fight back during this process. Sometimes the electric shock alone will kill the dog, otherwise a slaughterer will sever the dog’s jugular vein once the shock renders the dog motionless. Because death can take as long as twenty minutes, the dogs experience

45 Id.
46 Id.
47 Dogs, supra note 42.
48 Podberscek, supra note 1, at 623–24.
49 Id.
51 See Sheryl WuDunn, Where a Dog Can Be a Pet, or a Dining Experience, N.Y. TIMES, Jan. 2, 1997, at A4 (“Local [South Korean] news reports say that most dogs are slaughtered by electrocution.”); Herrington, supra note 50 (CARE president So-yeon Park explains: “The typical method of slaughter is electrocution, which takes from 30 seconds to 3 minutes until the dog dies.”).
52 Survey, supra note 38.
53 Id. (noting one dog tried to bite the electric rod in retaliation).
54 Id.
an extraordinary amount of stress and pain.\textsuperscript{55} They may also become aggressive in the struggle, posing a danger to humans.\textsuperscript{56}

No dog-specific slaughterhouse registration exists in South Korea; consequently, dogs are often slaughtered in remote areas or at slaughterhouses designed for other species.\textsuperscript{57} Under South Korea’s Livestock Safety Management Act, slaughterhouses may only legally slaughter the species they are registered to slaughter.\textsuperscript{58} Thus, there is no legal basis under the Act for regulation of the slaughter of dogs. Besides being killed and processed at slaughterhouses, dogs are also sold live to markets and restaurants, or slaughtered on-site at dog farms.\textsuperscript{59}

Transport methods of dogs destined for slaughter are generally odious. Sellers and transporters are motivated to move as many dogs as possible at one time to reduce costs, resulting in extremely cramped and crowded cage conditions.\textsuperscript{60} Additionally, sellers and transporters deliberately overfill the small transport cages to prevent the dogs from fighting and wounding each other, therefore increasing the likelihood of more dogs reaching the market in good health.\textsuperscript{61} Nevertheless, some dogs sustain injury during transport, including broken spines, heat exhaustion, and strangulation.\textsuperscript{62}

\begin{flushleft}
\textsuperscript{56} \textsc{Survey, supra} note 38.
\textsuperscript{57} \textit{Id.} (noting the “dog slaughtering process takes place mostly late night to dawn”).
\textsuperscript{58} \textit{Id.}
\textsuperscript{60} \textsc{Survey, supra} note 38.
\textsuperscript{61} \textit{Id.}
\textsuperscript{62} \textit{The Dog Meat Industry in South Korea}, \textsc{Change for Animals Found.}, http://www .changeforanimals.org/#!dog_meat_in_south_korea_2c1b8v (accessed Nov. 22, 2014) (discussing dogs suffering injury and being deprived of food and water during transport) [http://perma.cc/QY9R-R52W]. See also \textsc{Korean Society for Animal Freedom, S. Korea’s Dog Meat Industry - Cruelty During the Transport of Dog Meat, YouTube}, http://youtu.be/uKcdAGfG0sQ (English captions) (Jan. 6, 2012) (accessed Dec. 15, 2014) (explaining that multiple dogs are placed in small cages for transport, driven at high speed in exposed truck beds, tightly tethered, and pulled from cage to cage using metal nooses, resulting in mental anguish and physical injury, including broken spines) [http://perma.cc/6DHA-QB9Y]; \textsc{The South Korean Dog Meat Trade, supra} note 16 (describing high
D. Markets and Restaurants

Seongnam’s Moran Market is the largest dog meat market in South Korea. Dogs are transported to the Moran Market from all over South Korea for sale to restaurants and individuals. At markets such as Moran, customers choose dogs out of cages and wait while they are slaughtered. Frequently, iron tongs are used around a dog’s neck when the dog is selected for slaughter. The slaughter methods described above are also used at markets, and slaughter frequently occurs in front of the other dogs. If sales are slow at markets or restaurants, dogs may remain caged at markets for days or even weeks.

Pet dogs are also sold for meat at markets, including Moran Market. Dog traders purchase pet dogs at lower prices than farmed meat dogs, and sales are per dog, not by the pound. One former dog trader told Korean Broadcasting System journalists,

If you slaughter and process a dog, you can’t tell if it was a pure-bred pet or a meat dog. In gae soju [gaesoju] places, several small pet dogs are simply...
used in place of one large meat dog. . . . Large numbers of former pet dogs end up in the meat markets . . . often those that were abandoned or sick . . . .

South Korean animal protection groups maintain that anyone can sell a stray, abandoned, or stolen dog for use as meat.72 Indeed, South Korean investigative journalism reveals that—despite denials from those involved in the dog meat trade—former pet dogs are intermingled with nurongi, whether at slaughterhouses, meat vendors, live pens, or farms.73 Dog collectors have made a business out of buying dogs from residential areas to sell as meat dogs at markets.74 In a highly publicized incident, a customer eating boshintang found four metal screws in the bones in the soup—the dog had at one time undergone hip surgery, clearly indicating former status as a pet.75 In some extreme cases, veterinarians sell unwanted pet dogs to dog traders or directly to restaurants.76 One veterinarian confessed to selling five to seven dogs to restaurants per day, including sick and highly medicated animals.77

III. SOUTH KOREAN CULTURE AND LAWS

A. Society and Culture

Experts debate the tradition of dog meat consumption in South Korea. Some sources, particularly animal protection groups, claim that dog meat consumption has only been popular since a period of post-war poverty in the 1950s and was not previously a part of Korean culture.78 Other sources, such as the Korean Journal of Food and Nutrition, claim that dog meat consumption originated during the Samkug era, between 57 BC and 676 AD.79 Historically, dogs were not bred for

71 Korean Dog Meat—Former Pets Part 1, supra note 70. See also Moran Market, supra note 69 (A former dog trader tells In Defense of Animals, an international animal advocacy group, “When you butcher [dogs] you can’t tell whether they are pet dogs or meat dogs.”).

72 Moran Market, supra note 69.

73 Korean Dog Meat—Former Pets Part 3 (KBS2 news broadcast 2011) (available at http://youtu.be/_JPYK3yTqWY (accessed Nov. 30, 2014)) (follow up to KBS2’s 2008 broadcast, demonstrating that pet dogs are still sold as meat in South Korea) [http://perma.cc/G7Q4-UT6X].

74 Moran Market, supra note 69.

75 Herrington, supra note 50.

76 Survey, supra note 38.

77 Id.


79 Dog and Cat Eating in Korea, supra note 78.
companionship in Korea as they were in the West; similarly, Korea has a limited history of working dogs being used for tasks such as herding. Pro-dog meat traditionalists suggest historical Koreans hunted and ate wild dogs, but rarely raised dogs domestically for consumption purposes.

The yellowish, mixed breed nureongi were, and still are, referred to as dong-gae—literally “shit-dog.” In contrast to the smaller purebred dogs sometimes kept in modern South Korea as pets, mixed-breed dogs have never had a place as pets in Korean culture. A dual perception of sorts exists in Korea: nureongi/dong-gae are viewed as edible livestock, whereas pet dogs may be companions, fashion accessories, status symbols, or all three. South Korea has an estimated 3 million pet dogs, and is a booming market for pet dogs and related products. While the rising popularity of pet dogs has been associated with issues of animal abandonment and commodification, it illustrates South Korea’s ability to undergo rapid changes by way of its attitude towards dogs in a single generation.

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80 The History of Korea’s Dog Meat Industry, supra note 78.
81 Herrington, supra note 50.
82 Id. at 208 (citing Nat’l Inst. of the Korean Language (NIKL), Dictionary of Standard Korean 181–82 (Nat’l Inst. of the Korean Language-Dusan Donga, Seoul, 1999)). See also Herrington, supra note 50 (noting evidence that the dogs “most commonly eaten as food . . . [were named dong-gae] because they were sometimes fed human feces”); Morrison, supra note 50 (noting that “[d]ogs of uncertain pedigree” are referred to as dong-gae).
83 Morrison, supra note 50. Though a medium-sized dog, purebred Jindos occupy a special cultural place in South Korea, having been designated a natural monument in 1961. Associated with Korean exceptionalism and purity, Jindo dogs who meet subjective breed standards at bi-annual screenings are micro-chipped and registered. Those who do not meet breed standards may be kept as pets, but such “substandard dogs” are often sold into the dog meat trade, joining the nureongi who are themselves not visually distinct from yellow Jindos. See Morrison, supra note 50 (noting that “[d]ogs of uncertain pedigree” are referred to as dong-gae).
84 Id. See also Why Save South Korean Dogs?, HAPPY ANGELS DOG RESCUE, http://www.happyangelsdogrescue.org/ (updated 2014) (accessed Nov. 12, 2014) (describing the recent growth of “the idea of companion dogs” in South Korea and the preference for small, non-shedding, white, purebreds) [http://perma.cc/3BKS-7HXJ].
85 Id. See also Steven Borowiec, Are Pets Replacing Children in South Korea?, WALL ST. J., http://blogs.wsj.com/korearealtime/2013/06/07/are-pets-replacing-children-in-south-korea (June 7, 2013) (accessed Dec. 13, 2014) (noting that proportion of pet owners in South Korea has risen to roughly one in five South Koreans, as—in the words of Korea University professor Park Jong-won—“People have started to think of their pets as family members, which was unusual before . . . .”) [http://perma.cc/8EKW-87KB]; USDA FOREIGN AGRIC. SERV., GAIN REPORT: KOREA—REPUBLIC OF: PET FOOD MARKET BRIEF—UPDATE, July 8, 2013 (available at http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Pet%20Food%20Market%20Brief%20-%20Update_Seoul%20ATO_Korea%20-%20Republic%20of%207-8-2013.pdf (accessed Nov. 22, 2014)) (percentage of South Korean households with dogs increased from 10% in 2009 to 12.5% in 2012) [http://perma.cc/7A46-KM5V].
86 Morrison, supra note 50.
has brought decreasing tolerance for animal cruelty, rising interest in animal protection, and shifts in perception of dog meat.\textsuperscript{87} In a 2004 poll, 60\% of respondents were in favor of using dogs as pets or companions, and 55\% disapproved of the use of dogs as food for humans.\textsuperscript{88} Interestingly, pet owners were not significantly more likely to disapprove of using dogs for food than those without pets.\textsuperscript{89}

\textit{B. Current Laws}

1. \textit{Overview of Korean Law}

Historically, Korean law was fundamentally penal; the state was largely uninterested in intervening in private party disputes, with local elites providing non-judicial mediation.\textsuperscript{90} In the late 1800s, Korea began to independently experiment with private law concepts, but these efforts were cut short by Japanese occupation.\textsuperscript{91} Imperial Japan introduced a legal system tuned for colonial nation building,\textsuperscript{92} imposing a civil law system and promoting the paradigm that laws are, in part, a codification of custom.\textsuperscript{93} Following Japan’s defeat in World War II, South Korea fell under military rule, before promulgating its first modern constitution in 1948.\textsuperscript{94}

The South Korean constitution subsequently underwent amendment in response to social changes and political movements, most recently in 1987 following the Gwangju Democratization Movement.\textsuperscript{95} The current constitution stipulates three separate powers: legislative, executive, and judicial.\textsuperscript{96} The National Assembly is responsible for legislation, the President is accountable for the administration of laws,
and the courts enforce and interpret the laws. South Korea adopted the modern European civil law system at the beginning of its judicial modernization, but since then the Anglo-American common law system has heavily influenced South Korea’s judiciary. As such, modern Korean law is highly codified and controlled by the civil law tradition.

a. Judicial System

Unless the constitution explicitly provides otherwise, the courts of Korea have the power to adjudicate all legal disputes. There are six types of courts in South Korea: the Supreme Court, the High Courts, the District Courts, the Patent Court, the Family Court, and the Administrative Court. District Courts are generally the courts of first instance in all but family and administrative disputes, where the Family Court and Administrative Courts, respectively, are courts of first instance. The High Courts are the intermediate courts, hearing matters of appeal but retaining a limited degree of original jurisdiction. The Supreme Court takes appeals from the High Courts but, under certain circumstances, also takes appeals directly from the district courts. The Patent Court is positioned at the same level as the high courts, while the Family Courts and Administrative Court are positioned at a level parallel to the District Courts. The Constitutional Court, the last resort for constitutional disputes, handles constitutional issues and retains jurisdiction over the constitutionality of laws. Generally, the courts conduct proceedings in Korean, and all hearings and judgments are open to the public. While interpretation may be arranged when deemed necessary, judicial decisions in English are typically unavailable.

97 Id.
98 Id.
101 Id.
102 Id.
103 Id.
104 Id.
105 The Judiciary, supra note 100 (explaining that the Korean judiciary can usually be structured with the following hierarchy: Supreme Court; High Court and Patent Court; District Court, Family Court, and Administrative Court).
106 Id.
107 Id.
108 Id.
109 LEGISLATION AND THE JUDICIAL SYSTEM, supra note 99.
b. Sources of Law

The primary source of law in Korea is written law, divided into four main categories: (1) statutes passed by the legislature; (2) decrees issued by the President, Ministries, Supreme Court, and Constitutional Court; (3) rules and regulations issued by agencies and local governments; and (4) international agreements. Statutes are typically categorized as public and private law; public statutes generally have more than one relevant ministry responsible for promulgation of the statute. Each of the eighteen ministries in the South Korean government has the power to make ordinances, rules, and regulations within statutes.

In South Korea, secondary sources of law include court decisions. Courts have the power to interpret rules and regulations, to make decisions regarding constitutionality, and to determine whether the rules and regulations deviate from the commitment of the statute. A higher court's decision only prevails over the lower court's decision on the specific case concerned. That being said, while there is no formal requirement of precedent in the Korean legal system, lower courts tend to follow the legal interpretations of higher courts. Judgments of lower courts may be upheld, reversed, or remanded based on the higher court's own fact-finding or legal interpretation. The Supreme Court may not conduct its own fact-finding and instead must apply only legal interpretation.

2. Animal Protection Act

South Korea's Animal Protection Act (APA) was originally enacted in 1991. The law broadly defined the responsibility of animal owners and caretakers, including provisions prescribing minimum care and prohibiting animal cruelty. However, the language used in most provisions, in particular the anti-cruelty provision, was indeterminate.
For example, the original anti-cruelty provision in Article 6 included the term “without rational cause,” but did not offer further definition.\(^{121}\) Article 6 provided, in part, that:

(1) No one shall kill animals without rational cause, with cruelty, or with a method which gives other people a sense of aversion.

(2) No one shall inflict pain or injury upon animals without rational cause.\(^{122}\)

Article 6 was essentially unenforceable due to vagueness problems,\(^{123}\) and penalties for an Article 6 offense were minimal.\(^{124}\) It was almost a decade before a person was convicted of animal cruelty.\(^{125}\)

The APA was significantly amended in 2007. Following a one-year grace period, the updated version of the Animal Protection Act as Amended in 2007 (APAA) went into effect on January 27, 2008.\(^{126}\) In official text accompanying the 2007 revisions, the Ministry for Agriculture, Food and Rural Affairs (MAFRA)\(^{127}\) explained the reason for its amendments and highlighted the biggest changes to the law.\(^{128}\) The Ministry noted that abstract language in the prior version’s definition of animal cruelty made it difficult to determine violations.\(^{129}\) Noting that under the prior Act, instances of animal injury and death during transport were actually increasing, the Ministry suggested that new regulations on appropriate feed and transport methods would better protect animals being transported.\(^{130}\) Significantly, the Ministry also noted that an increase in fines for animal cruelty and institution of fines for animal neglect should make the law more effective.\(^{131}\)

While not perfect, the APAA is an improvement to its predecessor. Importantly, the anti-cruelty provisions outlined in Article 7 include prohibitions of methods commonly used to slaughter dogs for the dog

\(^{121}\) Id.

\(^{122}\) Id.

\(^{123}\) Kim, supra note 5, at 213.

\(^{124}\) Id. at 213.

\(^{125}\) Id. at 214.


\(^{129}\) Id.

\(^{130}\) Id.

\(^{131}\) Id.
meat trade.\(^{132}\) Though Article 7 does not create an absolute ban on the slaughter of dogs, it does declare that dogs may not be killed “in a cruel way such as hanging,”\(^ {133}\) and expressly prohibits “an act of killing in an open area such as on the street or in front of other animals of the same kind.”\(^ {134}\) Additionally, the APAA includes a new article, Article 8, specifying standards for animal transportation and charging the Ministry with setting standards for the equipment and structure of transportation vehicles.\(^ {135}\) Article 8 also includes provisions to ensure proper feeding and watering of animals during transport, as well as provisions to avoid animals’ exposure to sudden changes in temperature.\(^ {136}\) One of the most relevant provisions to the dog meat trade is the introduction of a breeder license system in Article 15: any person or organization intending to produce, import, or sell animals is required to obtain a license from the local government.\(^ {137}\) The license is subject to suspension or revocation if a breeder violates any of the anti-cruelty provisions outlined in Article 7.\(^ {138}\) Thus, the APAA could be used, subject to strict enforcement, to significantly curb the broad-scale abuse and neglect on dog farms by deterring abhorrent welfare conditions, and discouraging abuse and prohibited slaughter.

A provision to train animal protection inspectors as law enforcement officers is included in the APAA.\(^ {139}\) Specifically, the Act provides for two types of positions: administrative “animal guardians” appointed by public servants, and “honorary animal guardians” nominated by recognized non-governmental organizations.\(^ {140}\) Animal protection inspectors have authority to seize animals when deemed necessary, and to hold people liable for fines if they interfere with inspectors, or refuse an order to surrender an animal.\(^ {141}\) These amendments were a marked improvement over the original act, but they left some major shortcomings regarding animal protection unresolved.

Among the APA’s shortcomings were vagueness and extensive discretion to MAFRA. The APA phrase “without a rational cause” is replaced by the APAA’s “without justifiable grounds.”\(^ {142}\) This overarching principle is given little clarification in the text of the APAA; instead, discretionary power is given to MAFRA to determine

\(^{132}\) Act No. 8282, art. 7.
\(^{133}\) Act No. 8282, art. 7(1)(1).
\(^{134}\) Act No. 8282, art. 7(1)(2).
\(^{135}\) Act No. 8282, art. 8(2–3).
\(^{136}\) See Act No. 8282, art. 8(1)(1–2) (stating transport vehicles should be structured so as to avoid a sudden change in bodily temperature of animals in transit).
\(^{137}\) Act No. 8282, art. 15(1).
\(^{138}\) Act No. 8282, art. 21(1)(2).
\(^{139}\) Act No. 8282, art. 19(1).
\(^{140}\) Act No. 8282, art. 19(2).
\(^{141}\) See Act No. 8282, art. 26(1)(4) (noting fines for negligence for acts including interfering with an ‘animal guardian’).
\(^{142}\) Compare Act No. 8282, art. 7(1)(3) (requiring handlers to meet animals’ basic needs) with Act No. 8282, art. 26 (lacking a penalty for negligence of animals’ basic needs).
when acts such as inflicting pain and killing are justifiable.\textsuperscript{143} Some examples of a justifiable ground for inflicting injury upon an animal are explicitly stated in Article 7, including actions relating to “folk games” and actions “necessary for veterinary treatment.”\textsuperscript{144} Since expansive discretion is given to MAFRA, killing with “justifiable grounds” could be interpreted broadly under the APAA, which casts uncertainty on the efficacy of the law.

Another deficiency in the APAA is the failure of the Act to make animal neglect a punishable offense.\textsuperscript{145} Article 6 specifies basic care and management standards for animals including food, exercise, and sleep.\textsuperscript{146} The section also includes a provision mandating “attention” from the owner or caretaker of the animal if sick or injured.\textsuperscript{147} The amendment bill did include fines for acts of omission that cause animals to suffer from hunger or illness, but the provision was deleted before presentation of the final draft to the National Assembly.\textsuperscript{148}

\textbf{a. Recently Passed Amendments}

On June 29, 2011, the APA was amended again.\textsuperscript{149} Most notably, these amendments establish an Animal Welfare Committee within the Ministry of Agriculture, Food and Rural Affairs and facilitate government-run and non-governmental animal shelters.\textsuperscript{150} The Animal Welfare Committee should be comprised of no more than ten members commissioned by the Ministry with “abundant knowledge and experience” in the protection and welfare of animals.\textsuperscript{151} Additionally, the Ministry of Agriculture, Food and Rural Affairs shall collect and analyze data on various matters of animal welfare each year.\textsuperscript{152} The 2011 amendments also increased the punishment for violations of the Act.\textsuperscript{153} Additional amendments strengthening the prohibition on cru-
b. Recently Proposed Amendments

Taking advantage of the momentum of previous amendments and increased public awareness and support of animal welfare, National Assembly members proposed new amendments in October 2013, with the aim of strengthening and expanding the APA. Several organizations, including the Attorneys’ Network for Animals and Korea Animal Rights Advocates prepared the amendments with the Green Party and various lawmakers from the National Assembly. Co-sponsorship of the amendments transcended political party lines, indicating cross-party support for issues of animal welfare within the country.

The amendments include extensive changes to the APA, including changing the name to the Animal Welfare Act. Notable provisions of the amendments relevant to the dog meat trade include:

- **Shifting recommended levels of animal treatment to mandatory levels of animal treatment.** This includes mandatory codes of compliance during animal transport, mandatory response to animal abuse cases by animal protection inspectors, mandatory animal abuse investigation by local governments and law enforcement agencies, and creation of farm animal breeding environments with consideration for animal welfare.

- **Strengthening and broadening animal cruelty provisions.** For example, the new amendments would define animal cruelty offenses as the following: inflicting physical or psychological pain by physical methods; confining an animal in a small space where the animal’s activity is severely limited for a long period.

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154 See e.g., Act No. 10995, art. 8(5) (prohibiting using the Internet to display or disseminate footage of illegal animal cruelty, except when used by the government for purposes “such as . . . boosting animal protection awareness, etc.”); Act No. 11690, art. 8(1) (adding to the list of acts that are prohibited by the Act); Act No. 11737, art. 19(1) (allowing a “Mayor/Do Governor” the ability to require a dog owner to pay care expenses); Act No. 12051, art 10(1) (making the slaughter of animals more restrictive, “No animal shall be slaughtered in a cruel or revolting manner, and shall be free from unnecessary pain, fear, or stress in the process of being slaughtered”).

155 Act No. 10995, art. 8(5).

156 *Proposed Amendment to Animal Protection Act, Korea Animal Rights Advoc.*, http://animalrightskorea.org/actions/proposed-amendment-to-animal-protection-act.html (Oct. 14, 2013) (accessed Oct. 16, 2014) (National Assembly members Jeong-Lim Moon (Saenuri Party), Sang-Jeong Sim (Justice Party), Sun-Mi Jin (Democratic Party), and Myung-Sook Han (Democratic Party) sponsored the amendments, which were proposed at the National Assembly on September 26, 2013.) [http://perma.cc/STY2-RPZ8].

157 Id.

158 Id.

159 Id.

160 Id.
of time; killing by cruel methods such as burning, and using a vehicle to drag animals. Additionally, new measures would better protect animals from abusers. These measures include confiscation of animals, and a restriction on convicted abusers owning or working with animals. Penalties related to the prohibition of cruelty of animals would hold organizations accountable, instead of only individuals.

• Restricting the purchase and sale of animals. Under the proposed amendments, animal transportation services must be equipped with standardized personnel and facilities, and all breeding operations must be registered.

• Heightening the role of animal protection inspectors. In an effort to standardize and improve knowledge, annual training will be required for animal protection inspectors. Moreover, animal protection inspectors will be required to take certain actions such as protecting and quarantining abused animals.

Many activists believe that the amendments, though not specifically addressing a ban on dog meat, may pave the way for future action to end dog meat production and consumption in Korea. Specifically, strengthened provisions prohibiting animal cruelty and increasing standards of animal welfare may provide leverage to ban dog farms. However, as of November 2014, the amendments have not passed.

C. Legal Status of Dog Meat: A Gray Area

The production and slaughter of dogs for meat in South Korea operates in a legal gray area. The status of dogs and dog meat varies across legislation. For example, dogs are legally defined as “domestic animals” under the Livestock Industry Act of 1963 and the Ministry of Environment’s Sewage Disposal & Livestock Waste Water Treatment

161 Id.

162 Proposed Amendment to Animal Protection Act, supra note 156.

163 Id.

164 Id.

165 Id.

166 Id.

167 See id. (“Provisions for a dog meat ban [are] also not included in this bill but if we can significantly strengthen the provisions to prohibit animal cruelty and increase the standard of animal welfare through passing of this bill, then we will get closer to the substantive ban of dog farms and be able to bring forward the complete ban of the dog meat trade.”).

168 Proposed Amendment to Animal Protection Act, supra note 156.

169 See Current Situation of Korea’s Dog Meat Industry, supra note 35 (stating that some organizations, including KARA, assert that the Korean government has purposefully left the legal status of dogs confusing as a way to avoid banning dog meat production and consumption without condoning the practice and risking international scrutiny).
Law.170 Dogs are, however, excluded from the definition of livestock under the Livestock Industry Act of 1963.171 According to the director of the General Animal Health Division of the Ministry of Agriculture, Food and Rural Affairs, the practice of eating dogs in South Korea exists in a legal “vacuum.”172 The MAFRA does not recognize dog meat as legal, while the Ministry of Health and Welfare (MHW)—which controls and regulates dog meat post-slaughter—does.173 There is no specific law governing the slaughter of dogs. The only relevant regulations that may apply to the production and slaughter of dogs are from the APA’s general anti-cruelty provisions. Therefore, it is not necessarily illegal to raise and slaughter dogs.

Dog meat is not explicitly statutorily recognized as food under Korean law, although the Korea Food and Drug Administration, under the MHW, in accordance with the Food Sanitation Act of 1962 (FSA), recognizes food as any edible, non-drug product.174 In 1996, a Seoul District Court judge ruled that dog meat is food, referring to “Article 7 of the Presidential Decree of the FSA listing the scope of meat as ‘flesh, internal organs, tail, [et cetera] edible parts of a beast produced for food.’”175 Similarly, gaesoju has been deemed food by the Supreme

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170 Kim, supra note 5, at 208 (citing Ministerial Ordinance of the Livestock Act, art. 2(1)); Current Situation of Korea’s Dog Meat Industry, supra note 35 (referring to the Sewage Disposal & Live Stock Waste Water Treatment Law).


172 Dog Meat Consumption, supra note 9. (“During a visit to South Korea, Dr. Tae-Yung Kim, Ph.D., and director of the General Animal Health Division of the Ministry of Agriculture, Food and Rural Affairs (MAFRA), told IDA ‘there are no legal grounds for the practice of eating dogs in Korea. A vacuum exists in our legal framework.’ MAFRA does not recognize dog meat as legal while the Ministry of Health and Welfare (MHW), which controls dog meat post-slaughter, does, and therein lies the problem. There isn’t a country in the world that has legalized the dog meat industry, nor developed a humane way of supplying dogs and cats for human consumption.”).

173 Id.


175 Kim, supra note 5, at 209 n. 44 (“If it was judged otherwise—if dog meat is not food—the butcher would have been discharged without a conviction because there would be nothing to prevent a person from selling dog meat.”).
Court,\textsuperscript{176} holding that the tonic is not medicine as defined by the Pharmaceutical Affairs Act of 1953.\textsuperscript{177}

1. Restrictions on Dog Meat

An attempt to restrict the sale of dog meat began in 1983 out of fear of negative media attention during the 1988 Olympics in Seoul.\textsuperscript{178} Individuals, foreign governments, and animal welfare non-profit groups vigorously appealed to the South Korean government, while media attention spotlighted the slaughter and consumption of dogs in the country.\textsuperscript{179} The government announced an initiative to ban the sale of dog meat in urban areas, especially tourist areas.\textsuperscript{180} A series of actions followed, including one government ministry requesting a ban on slaughtering dogs for food, another requesting a ban on breeding dogs for slaughter, and another taking action against restaurants serving dog meat.\textsuperscript{181}

In 1984, Seoul issued a regulation outlawing the sale of dog meat by classifying it as a ‘disgusting’ food.\textsuperscript{182} Later in 1984, the Ministry of Health and Welfare formally institutionalized the ban on the sale of bosintang and gaesoju by classifying them as ‘disgusting’ foods.\textsuperscript{183} Specifically, the provision banned the sale of products, including soup or broth, which contained meat or other materials from dogs, snakes, lizards, or worms.\textsuperscript{184} Violators received one warning before the imposition of a seven-day suspension from business.\textsuperscript{185} The provision is still in place today, but has not been rigorously enforced since the 1988 Seoul Olympics mainly due to two factors: a lack of clarity among government agencies regarding who is responsible for enforcement, and an absence of long-term political commitment to the ban.\textsuperscript{186}

Pressure on the South Korean government to ban the consumption of dog meat arose again leading up to the 2002 FIFA World Cup.\textsuperscript{187} At the same time, proponents of dog meat consumption began to make their voices heard. For example, the Millennium Democratic Party, despite international and national pressure, proposed an amendment to include dogs in the list of livestock in the Livestock

\textsuperscript{176} \textit{Id.} at 209 (citing Supreme Court, 1987 Do1443 (S. Kor)).
\textsuperscript{177} \textit{Id.}
\textsuperscript{178} \textit{Id.} at 210.
\textsuperscript{179} Podberscek, \textit{supra} note 1, at 620.
\textsuperscript{180} Kim, \textit{supra} note 5, at 210.
\textsuperscript{181} \textit{Id.} (The Ministry of Foreign Affairs requested the slaughter ban, The Ministry of Agriculture, Food and Rural Affairs sought to suppress breeding, and the Ministry of Health and Welfare “began to crack down” on restaurants.).
\textsuperscript{182} \textit{Id.}
\textsuperscript{183} Podberscek, \textit{supra} note 1, at 620.
\textsuperscript{184} \textit{Id.}
\textsuperscript{185} \textit{Id.}
\textsuperscript{186} E-mail from Borami Seo, Policy Manager at Korea Animal Rights Advocates, to author (Jul. 31, 2013) (on file with \textit{Animal Law}).
\textsuperscript{187} Podberscek, \textit{supra} note 1, at 621.
Processing Act.\textsuperscript{188} The bill, which called for a distinction between dogs that would be eaten and companion dogs, did not pass.\textsuperscript{189} Additionally, the Grand National Party proposed a declaration that Korea’s dog-eating tradition is part of Korea’s culture and demanded that foreign countries stop interfering with the practice.\textsuperscript{190}

2. Legal Uncertainty

Since there is no explicit prohibition on the consumption of dog meat in Korea, slaughtering and eating dog meat is technically legal if done for a non-commercial purpose. Since dogs are not considered livestock, they are therefore classified as domestic animals and there is no regulation over the slaughtering and processing of dogs for food. Even though a license is required to sell dog meat—as with any other food under the FSA—the sale is technically prohibited because it is also categorized as a ‘disgusting’ food. This legal uncertainty cultivates tension among the governmental bodies responsible for the protection of dogs and food regulations, as well as animal welfare and rights groups opposed to dog meat consumption. This tension is highlighted by the conflict between the MHW and MAFRA:

In 1996, [MHW] blamed [MAFRA] for the unregulated dog meat industry by highlighting that [MAFRA] is the ministry responsible for regulating the slaughter, distribution, and sale of domestic animals. In response, [MAFRA] stated that [MHW] assumes the responsibility for its reluctance to control dog meat with its FSA, pointing out that dog meat is classified as a disgusting food and thus cannot be cooked and sold in accordance with Article 42 of the Ministerial Ordinance of the FSA; while dog is not classified as livestock, hence no legal restriction is in place to regulate matters such as its use and methods of slaughter. However, [MHW] argues, in response to a series of complaints from animal protectionists, that it is very difficult to say dog meat sale is illegal. [MHW] goes further, as well, denying the existence of the legal provision which classifies dog meat as [a] disgusting food, and thus insists that there is no legal ground to regulate dog meat. [MHW] urges a clearer legal provision in relation to dog meat based on social consensus.\textsuperscript{191}

This tension is unlikely to be resolved until commitment to a ban on dog meat consumption, or at least regulation of the trade, results in more clearly defined enforcement responsibility of governmental bodies.

IV. LEGAL CHALLENGES TO THE DOG MEAT TRADE

Legally banning dog meat faces many hurdles. Anti-cruelty laws and animal welfare laws offer protections to animals while they are alive, but do not extend to safeguarding the animals’ actual lives. Gen-

\textsuperscript{188} \textit{Id.}

\textsuperscript{189} \textit{Id.}

\textsuperscript{190} \textit{Id.}

\textsuperscript{191} Kim, \textit{supra} note 5, at 211–12.
gerally, Koreans—and people around the world—accept that animals may be raised and slaughtered for food as long as their death is humane. Anti-cruelty laws do not create a right to life; animal welfare theory is based on the concept of ensuring that animals are treated as humanely as possible and are not subjected to unnecessary suffering. Typically, slaughtering an animal for food is not considered cruelty under welfare laws as long as it is done quickly and with as little suffering as possible. Thus, legal protections for the welfare of living dogs and banning the slaughter of dogs are two separate issues.

Numerous Korean and international organizations are working to reduce the cruelty involved in the production and consumption of dog meat. Some groups believe that dog meat should be legalized and therefore subject to regulation, which in turn would promote hygienic and humane handling. Conversely, other organizations believe that dog meat should be completely banned by law. They argue

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192 Outside of Korea, for example, the U.S.’s Humane Slaughter Act legitimizes slaughter of animals on the condition that they be “rendered insensible to pain” prior to slaughter. 7 U.S.C. § 1902(a) (2012). See also Dog Meat Report, supra note 62, at 19 (describing as generally accepted—though false—the notion that legally regulated slaughter is humane, and thus implicitly acceptable).

193 Animal Welfare in Context, World Animal Net, http://www.worldanimal.net/documents/1_Animal_Welfare.pdf (accessed Nov. 23, 2014) (“Animal welfare denotes the desire to prevent unnecessary animal suffering (that is, whilst not categorically opposed to the use of animals, wanting to ensure a good quality of life and humane death). Animal rights denotes the philosophical belief that animals should have rights, including the right to live their lives free of human intervention (and ultimate death at the hands of humans). Animal rightists are philosophically opposed to the use of animals by humans (although some accept ‘symbiotic’ relationships, such as companion animal ownership).”) [http://perma.cc/8G7A-P8ZJ]. See also Gary L. Francione, Animal Rights Theory and Utilitarianism: Relative Normative Guidance, 3 Animal L. 75, 76 (1997) (describing the notion that “incremental welfare reform” will lead to animal liberation as “new welfarism”).

194 See Dog Meat Report, supra note 62, at 19 (noting that both international and South Korean “regulation on slaughtering . . . states the slaughtering method should not cause pain to animals as much as possible”).

195 Any ideas outlined below are not meant as ‘welfarist’ perspectives on the dog meat trade and do not offer a substitution for a ban on the production and slaughter of dogs for human consumption. Instead, they can be used as proactive measures in conjunction with efforts to achieve a total ban both on the production and slaughter of dogs for food, and on the consumption of dog meat.

196 Podberscek, supra note 1, at 621.

197 Id. See also The Korean, Dog Meat and the Cultural Conquistadors, Busan Haps, http://busanhaps.com/feature-dog-meat-and-cultural-conquistadors (Feb. 11, 2012) (accessed Nov. 13, 2014) (“Regulate the dog meat industry just like any other farm animal industry. Ensure that the dogs are given enough space to move in their confinement, ensure that the dogs live in clean conditions eating hygienic feed, and limit the means of slaughter only to the humane kinds applied to other livestock, such as the kind applied to cattle in an abattoir. Once slaughtered, keep the meat hygienic and refrigerated, before it reaches the consumers.”) [http://perma.cc/T8FS-DBSL].

that regulation will not effectively stop the commonplace cruelty in the
industry, both because suggested regulations are meant to serve
human health, and because large-scale commercial dog meat produc-
tion necessitates inhumane practices. Legalization of dog meat may
result in an increase of dog meat production, potentially creating an-
other factory farming industry. Consumption may also increase
since government may be seen as condoning the practice.

A. Animal Welfare

1. Prohibition

Lobbying for direct legal reform is a method used by Korean
animal-protection groups seeking to ban the dog meat trade. The first
attempt at a prohibition of the dog meat trade was in 1999 in response
to a proposal by a member of the National Assembly to classify dogs as
livestock under the Livestock Processing Act. The Korea Animal
Protection Society proposed a ban on slaughtering dogs and cats for
medicinal use; however, the bill did not become law. In the following
years, additional attempts at legal reform were made. Korea Animal
Welfare Advocate (KARA) drafted the Prohibition of Slaughtering and
Eating Companion Animals Special Draft Bill in another attempt to
prohibit the slaughter of dogs and cats for human consumption. The
proposed legislation was meant to override the current Animal Protec-
tion Act (APA). However, lobbying attempts have not been successful
to date. As of November 2014, the bill had not become law.

Additional actions taken by organizations that are anti-dog meat
in South Korea include alerting authorities to known illegal activi-
ties. For example, in one area the dog meat business has expanded
to over seventy-five known establishments. Some of the establish-
ments post signs advertising the availability of dog meat, including
whole dogs. Though the sale of dog meat is prohibited because it is a
‘disgusting’ food—and the sale by unlicensed establishments is addi-

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199 Can Commercial Dog Meat Ever Be Humane?, supra note 198.
200 Id.
201 Id.
202 Kim, supra note 5, at 228–29.
203 Id.
205 Id.
206 Id.
207 Id.
208 Id.
209 Id.
tionally prohibited under the Food Sanitation Act of 1962 (FSA)—re-
ports to government authorities unfortunately receive no response.210 In recent years, organizers have petitioned the South Korean government to take action against participants in the dog meat trade.211 A 2013 petition delivered to President Geun-Hye Park and the opposition leader, Jae-In Moon urged the government to close down the Moran Market dog slaughterhouses.212 The petition called for the government to enforce the Animal Protection Act as amended in 2007 (APAA), outlining the pertinent sections of the Livestock Safety Management Act and the APAA.213 Additionally, the petition included evidence of violations in the form of links to videos of dog meat markets and slaughterhouses.214 The Department of Animal Disease Control of the Ministry of Agriculture, Food and Rural Affairs sent a response in January 2014 stating in part:

With regard to dog consumption in Korea, the Office of the Prime Minister has reached consensus on the issue several times since 2003 in consultation with the Ministry of Agriculture, Food and Rural Affairs (MAFRA), the Ministry of Health and Welfare (MHW), [and] the Ministry of Environment (ME). Korea views the issue as an important one that requires public consensus so [we have] decided to deal with the matter in a prudent way and from a long-term perspective.

... . . .

Furthermore, the government plans to push ahead with continued educa-
tion and promotion for animal rights and welfare to build public consensus and raise social awareness.215

The letter did not specify any additional details on the consensus reached among the Ministries, nor did it provide details regarding education and promotion.

210 E-mail from Borami Seo to author, supra note 186.
213 Id.
214 Id. (linking to e.g. Korean Dog Meat—Former Pets Part 1, supra note 70; Korean Dog Meat—Former Pets Part 3, supra note 73).
2. Animal Cruelty

Enforcement of the APA has been effective in some cases.\footnote{216} For example, in a highly publicized incident in 2001, a man was convicted under the APA after drunkenly kicking his dog.\footnote{217} He was fined but did not receive jail time.\footnote{218} In 2006, after an episode of animal cruelty was uploaded onto the Internet, the perpetrator was convicted, receiving two days’ jail time.\footnote{219} The case was highly emotive and drew significant attention from the public.\footnote{220}

However, in some cases the government has failed to appropriately respond to seemingly blatant acts of animal cruelty. In 2013, the Busan Korea Alliance for the Prevention of Cruelty to Animals (KAPCA) responded to complaints by local residents that a dog farmer was using a sledgehammer to slaughter dogs.\footnote{221} KAPCA referred the case to the Busan Gijang Police, who responded that the APA was not applicable, because sledgehammer blows to the neck did not constitute a cruel method of killing.\footnote{222} The police claimed that they consulted with the Gijang-gun district office and the Ministry of Agriculture, Food and Rural Affairs and that each said that the law could not be applied against the farmer.\footnote{223} As a result, animal protection groups have organized a petition to the Busan Gijang Police demanding proper investigation and enforcement of the APA.\footnote{224}

The common thread in successful animal cruelty prosecution is media attention and public support. With the rise in popularity of pet culture in South Korea,\footnote{225} a greater opportunity exists for animal protection groups to use strategic media campaigns to garner public support and inspire better enforcement of animal welfare laws.

\footnote{216} The publicly known animal cruelty cases are generally those in which animal protection organizations were involved.
\footnote{217} Kim, supra note 5, at 214.
\footnote{218} See id. (stating his only penalty was 100,000 won ($100 in U.S. currency)).
\footnote{219} Id.
\footnote{220} See id. (referencing a news article on the issue).
\footnote{222} Id.
\footnote{223} Id.
\footnote{225} Podberscek, supra note 1, at 624.}
3. Dog Breeding Regulations

As discussed in Part III, the APAA includes a breeder license system in Article 15. Any person or organization intending to produce, import, or sell animals is required to obtain a license from the local government, and the license is subject to suspension or revocation if a breeder violates the anti-cruelty provisions outlined in Article 7. As a result of the trend of keeping dogs as pets in South Korea, large-scale breeding facilities and unregulated breeding mills are increasing. Purebred puppies and dogs are sold in markets, pet shops, and overseas. Unsold puppies, older dogs, and female breeding dogs may end up in the dog meat trade. Despite accounts of blatant violations of the breeder license system and ongoing instances of cruelty violations, there is no indication the Ministry of Agriculture, Food and Rural Affairs has licensed more than a handful of breeding facilities—surely hampering APAA enforcement.

B. Antibiotic Use

Antibiotic tolerance in Korea is at a very high level compared to other countries. One major cause of this elevated tolerance is believed to be abuse of antibiotics in livestock products. In 2003, the ratio of antibiotics per one ton of meat was 0.82 in Korea, 0.26 in the United

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226 See supra Part III.B.2 (discussing application of the Animal Protection Act to the dog meat trade).
227 Act No. 8852, art. 15(1).
228 Id.
229 Act No. 8852, art. 21(1)(2).
231 Podberscek, supra note 1, at 623. See also Cain, supra note 230 (discussing sale of designer puppies from South Korea in the U.S.);
232 Podberscek, supra note 1, at 622 (estimating there may be 765,006 dog farms).
233 Sylvia Park et al., Antibiotic Use Following a Korean National Policy to Prohibit Medication Dispensing by Physicians, 20 HEALTH POLY & PLAN. 302, 303 (Sept. 2005); SURVEY, supra note 38.
States, 0.13 in the United Kingdom, and 0.04 in Norway. While comprehensive data regarding disease control on dog farms is unavailable, dog farms generally present serious antibiotic abuse issues. Conditions are extremely unsanitary on dog farms: sick animals are mixed with healthy animals, excrement is not properly cleared, dogs are fed rotting food waste, and communicable diseases run rampant. The use of antibiotics may be necessary just to keep the dogs alive long enough to slaughter.

Regulations exist in South Korea and elsewhere governing antibiotic use in livestock animals generally. South Korea banned antibiotics in animal feed in 2011, and a prescription is now required to obtain antibiotics.

There have not been any legal cases on antibiotic use in animals raised for human consumption in South Korea. In 2013, KARA and Green Korea launched a constitutional appeal regarding antibiotic use and abuse in the Constitutional Court. The matter is expected to be heard before a judge, but as of November 2014, the posture of the case is unknown. This case, and others like it, may provide leverage for animal protection groups to seek enforcement against dog farmers.

C. Water and Pollution Discharge

Sanitation management at dog farms poses significant problems. Large-scale dog farms pose health risks to the surrounding communities from uncontrolled runoff, disease, and inappropriate disposal of the byproducts from slaughter. Neither excrement nor the byproducts of slaughter must be treated, so they can escape into the surrounding water and lands. Additionally, the filthy conditions may attract

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235 SURVEY, supra note 38.
236 Id.
237 Id.
240 Park et al., supra note 234, at 303.
241 E-mail from Borami Seo to author, supra note 186.
242 Id.
243 Id.
244 See SURVEY, supra note 38 (“No slaughter house is registered for dogs and therefore consumers and dealers kill the animal without proper management of waste as set forth in the Act on Management and Use of Animal (Livestock) Excrements.”) The Survey further notes that even Ahn Yongkeun, the professor of Food and Nutrition at
pests that spread highly transmittable bacteria, viruses, and parasites. 245

In 2006, the Ministry of the Environment added dogs to the definition of domestic animals in the Act on Management and Use of Domestic Animal Excreta of 2006. 246 Adding dogs to the definition established a legal basis for regulating waste discharged by dog farms. 247 Groups working toward a dog meat ban perceived this as a step by the government towards legalizing dog meat. 248 Dogs were added to the revised Livestock Night Soil Disposal Act in 2008. 249 The Act requires dog farms with facilities of 60 square meters or more to have proper waste disposal facilities and report to local authorities. 250 Notably, violators can face a maximum penalty of a one-year jail term or a fine. 251 Following revision of the Livestock Night Soil Disposal Act, the Korea Times reported that recognition of dogs as livestock by the Ministry of the Environment will subject large-scale dog farms to regulations. 252 The Korea Times article contains a statement from the Ministry of the Environment making its focus on regulating dog farms clear: “The revised law aims to properly regulate dog farms and tackle the soil and water pollution in areas around them . . . . We have received a lot of complaints from local residents in areas where dogs are raised.” 253 The Conservation of Water Quality and Ecosystem Law also denotes that the act of discharging excrement, livestock waste-

Chungcheong University who is such a vociferous advocate for dog meat that he has acquired the nickname ‘Dr. Dog Meat,’ acknowledges environmental damage due to “manure release” from dog farms, though Ahn argues this is off-set by the amount of human food waste the dogs consume.; South Korea: Dog Farm Squalor, Say-NoToDogMeat.NET, http://saynotodogmeat.net/2014/02/15/south-korea-dog-farm-squalor (Feb. 15, 2014) (accessed Nov. 30, 2014) (describing a dog farm where encrusted feces were layered over 50cm deep, and “[b]lood and slaughterhouse waste and debris flowed into the nearby river . . . .”) [http://perma.cc/5E2L-9VMM]; see also Dog Meat Report, supra note 62, at 19 (“[N]umerous examples of farm and slaughterhouse waste water disposal causing environmental pollution . . . have lead the Government to the question of [regulation].”).

245 See Survey, supra note 38 (noting excrement odor attracts pests that spread disease).

246 Kim, supra note 5, at 231.

247 Id.

248 Id.


250 Tae-jong, supra note 249.

251 Id. (In Korean currency, the maximum fine is 10 million won.).

252 Id.

253 Id.
water, animal carcasses, or waste materials into public water is punishable by up to one year in prison or a fine.254

Animal protection groups generally perceive recognition of dogs as livestock negatively because it may make attaining a complete ban on the dog meat trade more difficult. However, enforcement of the Act against dog farmers could potentially lead to a reduced number of farms overall. Dog farming can be more lucrative than raising livestock animals, partly because the dog farms operate under the radar of regulation. Compliance with waste management regulation may be expensive for farmers, as would be the potential fines for failure to comply, if enforced. Thus, recognizing dogs as livestock may drive some dog farms out of business.

V. SOCIAL CHALLENGES TO THE DOG MEAT TRADE

The global norm against human consumption of dog meat is gaining momentum. Several U.S. states ban the sale of dog meat.255 Several Asian countries and cities, including Taiwan, Singapore, and Hong Kong, have banned both the sale and slaughter of dogs for food.256 Taiwan’s Animal Protection Act was amended in 2001, defining all dogs as pets, and banning the killing of a pet for meat.257 Some of the methods used to achieve the shift in public perspective may be transferable to achieve a similar shift in South Korea, especially among the younger generations.

Several international organizations currently conduct social advocacy campaigns to end the dog meat trade.258 Many of these organizations, which may be based in the U.S. or Europe, work in partnership with national Korean organizations. Domestically, proponents of the


255 See e.g., CAL. PENAL CODE § 598b (a)-(b) (West 2006) (“Every person is guilty of a misdemeanor who possesses, imports into, or exports from, this state, sells, buys, gives away, or accepts any animal traditionally or commonly kept as a pet or companion with the intent of killing or having another person kill that animal for the purpose of using or having another person use any part of the animal for food.”); see also William Saletan, Wok the Dog: What’s Wrong with Eating Man’s Best Friend?, SLATE, http://www.slate.com/id/2060840 (Jan. 16, 2012) (accessed Oct. 1, 2014) (stating that dog meat is legal in 44 states) [http://perma.cc/4E95-U35V].

256 Kim, supra note 5, at 224–25.


258 See e.g., Dog Meat Consumption, supra note 9 (referencing In Defense of Animals’ campaign to end the dog meat trade); KARA’s Position on the Dog Meat Industry, supra note 198 (referencing Korea Animal Rights Advocates’ campaign against the dog meat industry).
dog meat trade tend to associate dog meat with Korean identity, linking its consumption to Korean Nationalism, and accuse opponents of Western imperialism. Some frame the controversy as a cultural confrontation or based in racism. Therefore, advocates and commentators note that the debate over dog meat consumption should shift away from an international dialogue to a national conversation. As regional and domestic mores shift toward dogs as companions, rather than food, it may become easier for Korea to debate dog meat without construing it as a western assimilationist maneuver.

A. Public Health

Many diseases are zoonotic, some of which, in turn, can be transferred from dogs to humans. Health risks escalate for those people involved in the production and slaughter of dogs, as well as for those who consume dog meat. Inadequate and filthy breeding environments on dog farms, pest exposure, and lack of disease control exacerbate risk. Direct transmission may occur in the event of contact with contaminated blood, urine, feces or saliva. Indirect transmission may occur through contact with a substance touched by an individual exposed to the disease. The list of diseases that can be communicated between dogs and humans is long, but one of the most serious is rabies infection. In 2009, a South East Asia Infectious Disease Clinical Research Network study linked a human rabies infection in Hanoi, Vietnam to contact with an infected dog during the butchering process. Other reports of humans contracting rabies by killing dogs, handling

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259 Dog and Cat Eating in Korea, supra note 78.
260 Kim, supra note 5, at 232.
261 Dog and Cat Eating in Korea, supra note 78; Kim, supra note 5, at 232.
264 See SURVEY, supra note 38 (“Dog related diseases that are known to harm humans are rabies, brucellosis, and heartworms.”). Additional diseases that may be communicated between dogs and humans are: Bubonic plague, Campylobacter, Cutaneous larval migrans, Giardiasis, Lyme disease, Psittacosis, Salmonellosis, Shigellosis, Visceral larva migrans, Bebesiosis, Anthrax, Colibacilosis, Cryptosporidiosis, Dipylidiasis, Echinococcosis, Ehrlichiosis, Encephalitozoonosis, Hantavirus, Leptospirosis, Newcastle disease, Q-fever, Streptococcus, Trichostrongylus, Tuberculosis, and Bordetellosis. Id.
265 See Heiman F.L. Wertheim et al., Furious Rabies After an Atypical Exposure, 6 PLoS Med 1, 4 (Mar. 17, 2009) (available at http://www.plosmedicine.org/article/info%3Adoi%2F10.1371%2Fjournal.pmed.1000044 (accessed Oct. 1, 2014)) (noting that the most likely source of infection was “exposure during butchering,” though reconstructing an exact transmission chain was not possible without access to the dog’s corpse, which had been eaten) [http://perma.cc/53FH-NRJH].
dog meat, or consuming dogs have surfaced around Asia. The spread of disease may be exacerbated by unsanitary conditions of slaughter and by the sale of dog meat at open-air markets and restaurants. Unfortunately, despite recognition of the dangers of dog meat to human health, there is very little research tracking the communication of diseases between dogs and humans due to dog meat.

Large amounts of heavy metals have been found in dog meat; environmental contaminants such as lead, arsenic, and cadmium may be introduced to dogs through the use of food waste as feed. Heavy metal is difficult to discharge from the body, putting both the dogs and the humans who later consume their meat at risk. Lead and cadmium can cause lethal poisoning. In 2008, a Korean Broadcasting System (KBS) Consumer Report highlighted the scope of the problem of contaminated dog meat. Seventeen dog meat samples were tested by the Health and Environment Research Institute for “food poisoning (general bacteria, e. coli, salmonella), antibiotics (antimicrobial compounds, antibiotics), and heavy metal (lead, arsenic, cadmium).” Several of the samples proved to be more toxic than allowed under the Livestock Processing Act.

Many animal protection organizations work to dispel the perceived health benefits associated with dog meat consumption and highlight the human health risks associated with the trade and consumption of dogs. For example, Change for Animals Foundation devotes a large part of its campaign against the dog meat trade to dispelling the mythical health benefits of dog meat. They stress that no scientific evidence exists to support classical claims of the health benefits of dog meat and emphasize that modern research has shown that the farming, transport, slaughter, and consumption of dogs actually


267 SURVEY, supra note 38.

268 Id.

269 Id.

270 Id. (citing Consumer Report: You Are Eating Your Pet Dog, KOREAN BROADCASTING SYSTEM (2008)).

271 Id.

272 Id.

risks human health. 274 The organization highlights recent outbreaks of diseases that have been directly linked to dog meat and urges consumers to weigh the health risks of consuming dog meat against the purported benefits. 275

B. Organized Protests

In an effort to draw attention to the industry’s cruel practices, Korean and international organizations have organized a number of protests against dog meat consumption in South Korea. In 2011, U.S.-based organization, In Defense of Animals, and South Korea-based Korea Animal Rights Advocates protested outside the South Korean consulate in San Francisco. Over 15,000 people signed the petition they delivered to the consulate, which asked the South Korean government to increase efforts to stop the trade. 276 Activists in Canada used the social media site Facebook to organize a protest outside the South Korean consulate in Toronto on August 16, 2011, in honor of the International Day of Protest against Korea’s Dog and Cat Meat Trade. 277 Activists hosted a similar event outside the South Korean consulate in London in July 2013. 278 In 2012, members of South Korea’s Coexistence for Animal Rights confined themselves in cages in the streets of Seoul to protest eating dog meat on Malbok, the last day of summer according to the lunar calendar. 279 The Animal Welfare Institute and In Defense of Animals organized a rally in Washington, D.C. on August 6, 2012, as part of worldwide protests against dog meat consumption in South Korea; the group marched to the South Korean Embassy seeking to demonstrate Korean and international disapproval of the dog meat trade. 280

274 Id. (Consumption of dogs can facilitate transmission of cholera, trichinellosis, and rabies.).

275 Id.


As discussed above, Korean and international groups working to stop the dog meat trade must act with care in order to facilitate a productive national discussion. Though increased attention to the cruelty associated with the dog meat trade is a necessary step towards ending the practice of dog meat consumption, the debate should remain a South Korean issue facilitated by progression within the country.

C. Olympics

As summarized in Section III, pressure was put on the South Korean government during the lead up to the 1988 Olympics in Seoul and the 2002 FIFA World Cup. Before the 2002 World Cup, the President of FIFA drafted an open letter to Dr. Chung Mong-Joon, a FIFA Vice President, president of South Korea’s football association, and member of South Korea’s parliament, requesting a ban on the sale of dog meat during the World Cup. Mong-Joon dismissed the letter, saying there was “no need for FIFA to get involved.” However, World Cup-related international pressure to ban dog meat in South Korea prompted a backlash from proponents of the dog meat trade. The National Dog Meat Restaurants Association launched a campaign in anticipation of the World Cup to convince fans who were attending the games in Korea of the nutritional value of dog meat. The campaign offered fans free samples of dog meat stew and soup. As reported by The Guardian, Park Song-soo, head of the National Dog Meat Restaurants Association told the Korea Times, “We decided to hold the event [to promote dog meat at the World Cup] to help legitimize the consumption of dog meat and change foreigners’ prejudice against our culinary culture.” Government pressure brought the plan to a halt.

Heightened scrutiny as a byproduct of large sporting events is hardly limited to events hosted in South Korea. The 2014 Winter Olympics in Sochi, Russia generated public scrutiny over the treatment of stray dogs surrounding the Olympic venues. Amid main-

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281 See supra text accompanying notes 178–181 (discussing pressure on government from protests and media campaigns during this time).
285 Id.
286 Id.
287 Podberscek, supra note 1, at 621.
288 David M. Herszenhorn, Racing to Save the Stray Dogs of Sochi, N.Y. TIMES (Feb. 5, 2014) (available at http://www.nytimes.com/2014/02/06/sports/olympics/racing-to-
stream media reports of mistreatment of dogs and organized culls, animal protection organizations stepped in to provide education about dog population management and even facilitated rescue efforts for a few lucky dogs. Building on the attention and support for animal welfare generated by the Sochi Games, as well as past success in obtaining dog meat bans prior to the 1988 Olympics, many groups have initiated new campaigns to bring attention to the dog meat trade in South Korea in anticipation of the 2018 Pyeongchang Olympics. Strategies include signature petitions and protest letters to the President of South Korea and various Ministers asking for dog meat consumption to be banned by 2018.

Other groups are urging boycotts of the Olympic Games because of the dog meat industry. Interestingly, when asked by reporters directly about how he would handle protests over the practice of eating dog meat, Games Chief Kin Jin-sun said, “[i]t cannot be raised at Games time because there is no practice of eating dogs in Korea.” This enraged many advocates, including the group KoreanDogs.org, who accused the Games Chief of lying about dog meat consumption in South Korea. Time will tell if increased advocacy and protest efforts leading up to the Olympics will have lasting effects on the dog meat trade.


292 See id. (providing sample letters to the President of South Korea and Ministers of Agriculture, Food and Rural Affairs; Health and Welfare; Education, Science and Technology; and Environment).


VI. CONCLUSION

The dog meat trade in South Korea continues to operate in a legal gray area and presents considerable hurdles to efforts to end the production and slaughter of dogs for human consumption within the country. As the popularity of pet culture rises and the population of South Koreans opposed to the consumption of dog meat continues to grow, the acceptance of and demand for dog meat as food and medicine can be expected to decrease.\(^{296}\) The industry is starting to yield under pressure, as increased public awareness of the cruelty associated with the trade may be a driving force to bring an end to the demand for dog meat.\(^{297}\)

There are several potential avenues through which an opportunity to challenge the trade may exist, including animal welfare, antibiotic regulation, and environmental regulation enforcement. However, each requires acknowledgement that they should be used as proactive measures in conjunction with efforts to achieve a total ban both on the production and slaughter of dogs for food and on the consumption of dog meat. Social consensus against the consumption of dog meat is essential to ending the trade. Without consensus and support from within the country, government officials will likely continue to deny the ubiquity of the dog meat trade within South Korea, and enforcement failures will continue. International efforts highlighting the atrocities within the trade may aid in accelerating reform within the country, but they also pose a risk of inciting defensive nationalism as a result of perceived cultural imperialism. Realization of a total ban on dog meat in South Korea is likely still remote in the near future. However, viable avenues of incremental change promise a reduction in the cruelty inherent in the trade and the demand for dog meat.

\(^{296}\) See supra Part III.A (discussing the growing pet culture in South Korea); Anuecia Victor, South Korea’s Longest-Running Dog Meat Restaurant Closes after 33 Years, DAILY MAIL ONLINE, http://www.dailymail.co.uk/travel/travel_news/article-2736473/A-flavor-favor-Dog-meat-fades-S-Korea.html (Aug. 28, 2014) (accessed Nov. 30, 2014) (describing the closure of South Korea’s oldest dog meat restaurant, and interviewing members of the dog meat trade who fear young Koreans are more likely to see dogs as companions than meals, and predicting a related decline in demand for dog meat) [http://perma.cc/K8EA-LE22].

\(^{297}\) See Robin Dorman, South Korea’s Dog Meat Question, IN DEF. OF ANIMALS, http://www.idausa.org/south-koreas-dog-meat-question (Sept. 3, 2014) (accessed Nov. 30, 2014) (describing animal welfare as the “fastest-growing civic movement in South Korea,” suggesting that as a result, awareness of the cruelty inherent in the dog meat trade is growing, and opposition to the industry is growing) [http://perma.cc/SV5Y-TYPR].