

DOG MEAT TRADE IN SOUTH KOREA:
A REPORT ON THE CURRENT STATE OF THE TRADE
AND EFFORTS TO ELIMINATE IT

By
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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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I. INTRODUCTION

Dogs occupy a unique position in society. Believed to be the first domesticated animal,¹ dogs have historically been humans' most trusted friends and companions. The domestication of dogs predates the beginning of agriculture,² 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.³ The subject of consuming dog meat is highly emotive and evokes strong sentiments on both sides of the issue.⁴

Within Asia, Singapore, Taiwan, Hong Kong, and the Philippines have banned the slaughter of dogs for meat consumption.⁵ However, in South Korea,⁶ consumption of dog meat prevails and the industry is thriving: about 2.5 million dogs are slaughtered for food each year.⁷ Rampant cruelty is inflicted on dogs raised for consumption at all

¹ Anthony L. Podberscek, *Good To Pet and Eat: The Keeping and Consuming of Dogs and Cats in South Korea*, 65 J. SOC. ISSUES 615, 616 (2009).

² Anna S. Druzhkova et al., *Ancient DNA Analysis Affirms the Canid from Altai as a Primitive Dog*, 8 PLOS ONE 1, <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0057754> (Mar. 6, 2013) (accessed Oct. 15, 2014) [<http://perma.cc/TX33-J8AW>].

³ *Ending the Dog Meat Trade*, WORLD SOC'Y FOR PROT. OF ANIMALS, <http://www.wspa-international.org/wspaswork/dogs/dogmeattrade/default.aspx> (original site no longer available; cached version available at <http://web.archive.org/web/20131225235116/http://www.wspa-international.org/wspaswork/dogs/dogmeattrade/default.aspx> (accessed Oct. 15, 2014)) [<http://perma.cc/6A5T-4A6W>].

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).

⁵ Rakhyun E. Kim, *Dog Meat in Korea: A Socio-Legal Challenge*, 14 ANIMAL L. 201, 224–25 (2008).

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.

⁷ *Statistics on the Dog Meat Industry*, KOREA ANIMAL RIGHTS ADVOC., <http://animalrightskorea.org/dog-meat-issue/statistics-on-the-dog-meat-industry.html> (accessed Oct. 15, 2014) [hereinafter *Statistics*] [<http://perma.cc/Y2TD-8FLG>].

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.

⁸ *Ending the Dog Meat Trade*, *supra* note 3.

⁹ *Dog and Cat Meat Consumption: A Landscape of Suffering*, IN DEF. OF ANIMALS, <http://www.idausa.org/campaigns/dogs-cats/dogs-and-cats-of-south-korea/> (accessed Nov. 21, 2014) [hereinafter *Dog Meat Consumption*] [<http://perma.cc/ZRS4-9EE8>].

¹⁰ *E.g.*, WASH. REV. CODE § 69.50.360 (2014) (possession by adults of small amounts of marijuana-related products does not violate state law); COLO. CONST. art. XVIII, § 16 (declaring use of marijuana legal for adults 21 and over); *see also* Kirk Johnson, *New Marijuana Initiatives Loom as 3 Win Approval*, N.Y. TIMES, Nov. 6, 2014, at P8 (available at <http://nyti.ms/1u1UUDb> (accessed Nov. 22, 2014)) (“[V]oters in Oregon, Washington, D.C., and here in Alaska approv[ed] recreational marijuana [in November 2014 elections] [V]oters in Arizona, California, Maine, Massachusetts and Nevada are likely to . . . vote on marijuana laws [in subsequent elections].”) [<http://perma.cc/N2FE-Q4NR>].

¹¹ Controlled Substances Act, 21 U.S.C. § 812 (2012).

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.¹³ South Koreans consume an estimated 100,000 tons of dog meat annually.¹⁴ Of this, 93,600 tons is consumed in the form of *gaesoju*, a health tonic.¹⁵ The dog meat industry, which encompasses both the production and sale of dogs, has an estimated value of about \$2 billion U.S. dollars.¹⁶

Many restaurants do not register as dog meat vendors so it is difficult to accurately estimate how many actually serve dog meat.¹⁷ However, some organizations believe that over 20,000 restaurants in South Korea serve dog meat;¹⁸ it is the fourth most-consumed meat in the country.¹⁹ When eaten as a food, dog meat is most commonly consumed in a stew called *bosintang*.²⁰ 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.²¹ Some South Koreans believe that eating dog meat during the summer will fight against the effects of heat and humidity.²² Historically, the consumption of dog meat is associated with individuals trying to maintain their stamina during summer heat.²³

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*,

¹³ *Statistics, supra* note 7.

¹⁴ *Id.*

¹⁵ *Id.*; *Dog Meat Consumption, supra* note 9 (noting that South Korea’s dog meat trade “extinguishes the lives of approximately two and a half million dogs a year for meat or gaesoju”). See also Jonathan Watts, *Koreans Ignore Ban to Feast on Dog Meat*, THE GUARDIAN, <http://www.theguardian.com/world/1999/aug/18/jonathanwatts> (Aug. 17, 1999) (accessed Dec. 13, 2014) (using numbers from the Korean Food and Drugs Administration to report that in the late 1990s, South Korea consumed 8,428 tons of dog as meat per year, with “[a]nother 93,600 tonnes . . . used to produce a tonic called kaesoju [gaesoju]”) [<http://perma.cc/S2F3-SYHL>].

¹⁶ *The South Korean Dog Meat Trade*, ANIMAL WELFARE INST., <https://awionline.org/sites/default/files/products/KoreanDogMeatTrade072712.pdf> (accessed Nov. 11, 2014) [<http://perma.cc/J68R-X5NA>]; Kim, *supra* note 5, at 202–03; *Dog Meat Consumption, supra* note 9.

¹⁷ *Statistics, supra* note 7.

¹⁸ *Id.* See also Kim, *supra* note 5, at 202 (noting that a 1998 report by the National Assembly counted 6,484 registered dog meat restaurants).

¹⁹ Kim, *supra* note 5, at 202 (citing a 2004 government report that found the annual consumption in tons of pork, beef, and chicken exceeds that of dog meat).

²⁰ *Id.*

²¹ Personal communication with Rosalyn Morrison, former staff, Korea Animal Protection and Education Society, former Legislative Analyst, Animal Welfare Institute, Wildlife Trade Program Associate, Born Free USA (June 3, 2013) (on file with *Animal Law*); Podberscek, *supra* note 1, at 622.

²² Podberscek, *supra* note 1, at 622.

²³ *Id.* at 619.

the male, hot, extroverted component of human nature.”²⁴ 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.²⁵ Some proponents argue that *gaesoju* is good for stamina and post-operative recovery.²⁶ Men and women in South Korea consume *gaesoju* equally.²⁷

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.²⁸ However, other surveys found only 30–42% of Koreans have ever tried dog meat.²⁹ 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.³⁰ In a survey conducted in 2004, 55% of respondents tended to disapprove or strongly disapprove of using dogs for food.³¹

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.³² In 2002, there were an estimated 765,006 dog farms throughout South Korea, mostly located in rural parts of the country.³³ Farmed dogs typically spend their brief lives in cages raised above the ground, which—despite being designed to allow waste drainage—are typically filthy.³⁴ 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.³⁵

²⁴ *Id.*

²⁵ *Id.*

²⁶ Eun Joo Lee, Commentary, *How Much Is That Doggy on the Menu?*, KOREA DAILY, Aug. 9, 2007 (available at http://news.newamericamedia.org/news/view_article.html?article_id=f2673dc4772c709a1955accdf1bba5b5 (accessed Oct. 16, 2014)) (interviewing Bai Young-hee, a food and nutrition professor from Osan College, and Joo Jeong-ju, an Eastern medicine doctor) [<http://perma.cc/Q7Y7-HXZS>].

²⁷ Podberscek, *supra* note 1, at 622.

²⁸ Kim, *supra* note 5, at 202.

²⁹ *Statistics*, *supra* note 7.

³⁰ *Id.*

³¹ Podberscek, *supra* note 1, at 618, 625.

³² *Id.* at 622.

³³ *Id.*; *Breeding Farms*, IN DEF. OF ANIMALS, <http://www.idausa.org/campaigns/dogs-cats/dogs-and-cats-of-south-korea/breeding-farms> (accessed Nov. 22, 2014) [<http://perma.cc/2K4F-ES9U>]. See also Miyun Park, *Rejecting Dog Stew—It’s About Cruelty, Not Culture*, SATYA, <http://www.satyamag.com/sept02/park.html> (Sept. 2002) (accessed Nov. 21, 2014) (Then-president of Compassion Over Killing, Miyun Park, describes dogs raised for the dog meat trade as “raised on rural farms or in urban backyards.”) [<http://perma.cc/K93W-V93T>].

³⁴ *Ending the Dog Meat Trade*, *supra* note 3.

³⁵ *Current Situation of Korea’s Dog Meat Industry*, KOREA ANIMAL RIGHTS ADVOC., <http://animalrightskorea.org/dog-meat-issue/current-situation-of-koreas-dog-meat-in->

Dogs are highly social animals and become stressed by dog farm conditions.³⁶ Farmed dogs often exhibit symptoms of physical disease and mental stress, and suffer when deprived of healthy contact with other dogs and people.³⁷ Additionally, the practice of forcing dogs into inadequate group housing, such as shared small cages, results in stress, injury, and death.³⁸ These dogs must compete for a limited food supply, resulting in increased aggression and injury.³⁹ Frequently, the dogs are fed an inadequate diet of human food waste, including rotting waste from restaurants.⁴⁰ Bacteria and human saliva may contaminate the food waste, increasing the likelihood of zoonosis (disease communication between humans and non-human animals).⁴¹ An investigation by Korea Animal Rights Advocates uncovered that some farms were processing deceased puppies and feeding the remains to dogs.⁴²

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.⁴³ Farmers often neglect proper disease control methods such as parasite control.⁴⁴ Instead, the most commonly used drugs at dog farms are antibiotics, antidiarrheals, and

dustury.html (accessed Oct. 16, 2014) [<http://perma.cc/66MY-SWNW>]. See also *The South Korean Dog Meat Trade*, *supra* note 16.

³⁶ *Ending the Dog Meat Trade*, *supra* note 3.

³⁷ *Id.*; CHANGE FOR ANIMALS FOUND., FREQUENTLY ASKED QUESTIONS ABOUT DOG AND CAT MEAT, 2 (2013) (available at http://media.wix.com/ugd/19a760_6a1ef886783c45788b0f9ff92215dd50.pdf (accessed Nov. 12, 2014)) [<http://perma.cc/J4BW-ENQY>].

³⁸ See Nam Jong-young, *South Korea's Dog Meat Clash*, THE HANKYOREH, http://www.hani.co.kr/arti/english_edition/e_national/542514.html (Jul. 14, 2012) (accessed Nov. 12, 2014) (explaining that dog farm cages hold between one and four dogs in a single square meter of space for the animals' entire lives, a situation Coexistence of Animal Rights on Earth (CARE) president Park So-youn describes as causing "stressed [dogs who] . . . bite each other to death") [<http://perma.cc/GR2E-SPJ4>]; KOREA ANIMAL RIGHTS ADVOC., SURVEY ON THE DOG MEAT INDUSTRY AND POSSIBLE MEASURES TO END THE DOG MEAT TRADE IN SOUTH KOREA (ENGLISH) (2012) (available at http://koreandogs.org/wp-content/uploads/2012/06/KARA-Dog-Meat-Report_English-1.pdf (accessed Oct. 16, 2014) [hereinafter SURVEY] (describing how long-term close-quarters housing increases stress hormone in farmed dogs) [<http://perma.cc/SZET-UAK4>]; *Ending the Dog Meat Trade*, *supra* note 3 (Farmed dogs are "stressed by group housing, often becoming aggressive.").

³⁹ *Ending the Dog Meat Trade*, *supra* note 3.

⁴⁰ *Ending the Dog Meat Industry in South Korea*, CHANGE FOR ANIMALS FOUND., <http://www.changeforanimals.org/#!ending-dog-meat-in-sk/c6em> (accessed Nov. 21, 2014) [<http://perma.cc/7B97-L4UD>]. See also SURVEY, *supra* note 38 (discussing the practice of using food waste to feed farmed dogs); *Breeding Farms*, *supra* note 33 ("[At dog farms, dogs eat] food consisting of rotting, contaminated human leftovers with human saliva[.]").

⁴¹ SURVEY, *supra* note 38; *Breeding Farms*, *supra* note 33.

⁴² *Dogs*, INT'L AID FOR KOREAN ANIMALS, <http://koreananimals.org/dogs/> (accessed Oct. 16, 2014) [<http://perma.cc/9LRH-PVNB>].

⁴³ See SURVEY, *supra* note 38 (noting the routine use of antibiotics to prevent diseases at dog farms).

⁴⁴ *Id.* ("Most dog farms do not take preventive vaccinations against heartworms nor endoparasites.").

steroids.⁴⁵ At one farm, a manager admitted to administering a dose of drugs that is approximately ten times higher than the recommended dose.⁴⁶

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.⁴⁷ Furthermore, some believe that the meat gains aphrodisiacal qualities from adrenaline.⁴⁸ Historically, the most common method to kill dogs was hanging them and beating them with sticks.⁴⁹ Other popular slaughter methods include burning the dog with a blowtorch, boiling the dog alive, and bleeding out the dog.⁵⁰

Electrocution has been the most common method used to kill dogs in the South Korean dog meat trade since at least the late 1990s.⁵¹ Electric rods are used to shock and paralyze the dogs.⁵² 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.⁵³ 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.⁵⁴ 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.*

⁵⁰ Frankie Herrington, *In the Defense of Dogs*, BUSAN HAPS, <http://busanhaps.com/feature-defending-dogs-fight-against-dog-meat-industry> (Feb. 3, 2012) (accessed Nov. 12, 2014) (CARE president So-yeon Park describes typical slaughter methods) [<http://perma.cc/3RXZ-U44U>]; Rosalyn Morrison, *Friend or Food? South Korea's Cruel Dog Meat Trade*, <https://awionline.org/awi-quarterly/2012-winter/friend-or-food-south-koreas-cruel-dog-meat-trade> (accessed Dec. 13, 2014) (As a staffer with the Korea Animal Protection and Education Society and at the Animal Welfare Institute as a legislative analyst, Ms. Morrison has been heavily involved in efforts to address the dog meat trade in South Korea) [<http://perma.cc/PUV2-WV83>].

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.⁵⁵ They may also become aggressive in the struggle, posing a danger to humans.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.⁵⁷ Under South Korea's Livestock Safety Management Act, slaughterhouses may only legally slaughter the species they are registered to slaughter.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.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.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.⁶¹ Nevertheless, some dogs sustain injury during transport, including broken spines, heat exhaustion, and strangulation.⁶²

⁵⁵ *Seeking an End to Dog Meat in South Korea*, WORLD SOC'Y FOR PROTECTION OF ANIMALS, http://www.wspa.org.uk/wspaswork/dogs/dogmeattrade/Dog_meat_trade_in_south_korea.aspx (original site no longer available; cached version available at http://web.archive.org/web/20121031182451/http://wspa.org.uk/wspaswork/dogs/dogmeattrade/Dog_meat_trade_in_south_korea.aspx (accessed Oct. 15, 2014)) [<http://perma.cc/4RFQ-ZSSA>]. See also SURVEY, *supra* note 38 (noting dog electrocution "causes extreme stress and pain," and that dogs often survive the initial electrocution, but are left "paralyzed but still conscious" to die during the process of fur removal).

⁵⁶ SURVEY, *supra* note 38.

⁵⁷ *Id.* (noting the "dog slaughtering process takes place mostly late night to dawn").

⁵⁸ *Id.*

⁵⁹ *Id.* See also *Who We Are*, HAPPY ANGELS DOG RESCUE, <http://www.happyangelsdogrescue.org/> (updated 2014) (accessed Nov. 12, 2014) (noting efforts to save dogs from dog meat farms where they would otherwise be raised and slaughtered) [<http://perma.cc/3BKS-7HXJ>]; STOP IT!, *Documentary Dog Meat (Boshintang)*, YOUTUBE, <https://www.youtube.com/watch?v=QTqUGTBgUWU> (English captions) (July 21, 2013) (accessed Dec. 17, 2014) (noting dogs are sometimes slaughtered at dog meat restaurants) [<http://perma.cc/T8G7-3FAE>]; *Dog Meat Dining in South Korea*, SAYNOTODOGMEAT.NET, <http://saynotodogmeat.net/2013/12/08/dog-meat-dining-in-south-korea/> (Dec. 8, 2013) (accessed Nov. 23, 2014) (describing juxtaposition of dog meat slaughter and dog meat restaurants) [<http://perma.cc/LW6U-PYVA>].

⁶⁰ SURVEY, *supra* note 38.

⁶¹ *Id.*

⁶² *The Dog Meat Industry in South Korea*, CHANGE FOR ANIMALS FOUND., http://www.changeforanimals.org/#!dog_meat_in_south_korea_2/c1bsv (accessed Nov. 22, 2014) (discussing dogs suffering injury and being deprived of food and water during transport) [<http://perma.cc/QY9R-R52W>]. See also Korean Society for Animal Freedom, *S. Korea's Dog Meat Industry - Cruelty During the Transport of Meat Dogs*, YOUTUBE, <http://youtu.be/uKCDaGfGOsQ> (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>]; *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.⁶³ Dogs are transported to the Moran Market from all over South Korea for sale to restaurants and individuals.⁶⁴ At markets such as Moran, customers choose dogs out of cages and wait while they are slaughtered.⁶⁵ Frequently, iron tongs are used around a dog's neck when the dog is selected for slaughter.⁶⁶ The slaughter methods described above are also used at markets, and slaughter frequently occurs in front of the other dogs.⁶⁷ If sales are slow at markets or restaurants, dogs may remain caged at markets for days or even weeks.⁶⁸

Pet dogs are also sold for meat at markets, including Moran Market.⁶⁹ Dog traders purchase pet dogs at lower prices than farmed meat dogs, and sales are per dog, not by the pound.⁷⁰ 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

proportion of dogs who die from "starvation, dehydration, and heat exhaustion" during transport); KOREA ANIMAL WELFARE ASS'N, KOREAN DOG MEAT REPORT 2008 16 (2008) (available at [http://www.worldanimalprotection.nl/Images/Korean Dogs for Meat Investigation Report Final 2008 \(1\)_tcm19-15466.pdf](http://www.worldanimalprotection.nl/Images/Korean_Dogs_for_Meat_Investigation_Report_Final_2008_(1)_tcm19-15466.pdf) (accessed Nov. 30, 2014)) [hereinafter DOG MEAT REPORT] (describing dogs suffering strangulation while being handled during transportation) [<http://perma.cc/4QXW-BYM7>].

⁶³ Morrison, *supra* note 50.

⁶⁴ Megan Fox, *Moran Market*, STARS AND STRIPES: KOREA, <http://korea.stripes.com/travel/moran-market> (July 8, 2013) (accessed Nov. 22, 2014) (instructing "foreigners" as to how to either find or avoid the market area where "farmers from throughout the country bring farm-raised dogs that have been bred for meat") [<http://perma.cc/WP44-ERMQ>]. See also KoreanDogs.org, *Seongnam Moran Market - South Korea's Dog Meat Industry*, YOUTUBE, <http://youtu.be/UKSGgsjnJIY> (Aug. 22, 2013) (accessed Dec. 15, 2014) (introducing video of the dog meat trade at Moran Market—filmed covertly by a Humane Action Alliance investigator—by describing the market as "the largest dog meat market in South Korea . . . supplying a third of all dog meat for the country") [<http://perma.cc/8MTW-67M9>].

⁶⁵ *What Is the Dog Meat Trade?*, INT'L STREET DOG FOUND., <http://www.istreetdog.com/mission/dog-meat-trade> (accessed Nov. 23, 2014) ("In South Korea, customers commonly choose a live dog from a cage, at which point the dog is pulled away to be slaughtered while the customer waits.") [<http://perma.cc/5XQ5-78PV>].

⁶⁶ See *Ending the Dog Meat Trade*, *supra* note 3 (discussing practices common in the dog meat trade throughout South East Asia, including South Korea).

⁶⁷ *Id.*; Morrison, *supra* note 50; *What Is the Dog Meat Trade?*, *supra* note 65 ("This [slaughter and preparation] is all performed in full view of other dogs crammed in cages awaiting the same fate.").

⁶⁸ *Ending the Dog Meat Trade*, *supra* note 3 (discussing practices common in the dog meat trade throughout South East Asia, including South Korea).

⁶⁹ *Moran Market*, IN DEF. OF ANIMALS, <http://www.idausa.org/campaigns/dogs-cats/moran-market> (accessed Dec. 13, 2014) [<http://perma.cc/37FT-LAGH>].

⁷⁰ *Id.* See also *Korean Dog Meat—Former Pets Part 1* (KBS2 news broadcast 2008) (available at http://youtu.be/xTZ_Ln_ywR4 (accessed Nov. 30, 2014)) (former dog trader explains pet dogs are sold "at a discount," per dog, rather than per pound) [<http://perma.cc/NL69-PVSP>].

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 sick⁷¹

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 *nureongi*, 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.*

⁷⁸ *Dog and Cat Eating in Korea*, ANIMALS & ASIA FOUND. (June 2010) (available at http://animalrightskorea.org/files/AA_dogmeat_report_4July2010.pdf (accessed Oct. 16, 2014)) [<http://perma.cc/ZP92-FSTM>]. See also *The History of Korea’s Dog Meat Industry*, KOREA ANIMAL RIGHTS ADVOC., <http://animalrightskorea.org/dog-meat-issue/the-history-of-koreas-dog-meat-industry.html> (accessed Oct. 2, 2014) (“Generally, scholars agree that the Chinese have eaten dogs for at least 7,000 years. A Korean tradition? Well, let’s say it is a Chinese tradition that was copied by Koreans at some stage.”) [<http://perma.cc/5CJV-SCNP>].

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.⁸⁰ Pro-dog meat traditionalists suggest historical Koreans hunted and ate wild dogs, but rarely raised dogs domestically for consumption purposes.⁸¹

The yellowish, mixed breed *nureongi* were, and still are, referred to as *dong-gae*—literally “shit-dog.”⁸² 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.⁸³ 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.⁸⁴ South Korea has an estimated 3 million pet dogs, and is a booming market for pet dogs and related products.⁸⁵ 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.⁸⁶ This change in attitude

⁸⁰ *The History of Korea’s Dog Meat Industry*, *supra* note 78.

⁸¹ Herrington, *supra* note 50.

⁸² Kim, *supra* note 5, 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. *못생긴 진돗개는 보신탕집으로 보내라?*, OHMYNEWS, http://ojs7.ohmynews.com/NWS_Web/View/at_pg.aspx?CNTN_CD=A0001195061 (Aug. 12, 2009) (accessed Nov. 30, 2014), *translated in Send Ugly Jindo Dogs to Dog Meat Restaurants?*, KOREANDOGS.ORG, <http://koreandogs.org/send-ugly-jindo-dogs-to-dog-meat-restaurants> (Jan. 20, 2013) (accessed Nov. 30, 2014) [<http://perma.cc/24BP-JMN9>].

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 Kim, *supra* note 5, at 207. *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_7-8-2013.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.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.⁸⁸ Interestingly, pet owners were not significantly more likely to disapprove of using dogs for food than those without pets.⁸⁹

B. Current Laws

1. 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.⁹⁰ In the late 1800s, Korea began to independently experiment with private law concepts, but these efforts were cut short by Japanese occupation.⁹¹ Imperial Japan introduced a legal system tuned for colonial nation building,⁹² imposing a civil law system and promoting the paradigm that laws are, in part, a codification of custom.⁹³ Following Japan's defeat in World War II, South Korea fell under military rule, before promulgating its first modern constitution in 1948.⁹⁴

The South Korean constitution subsequently underwent amendment in response to social changes and political movements, most recently in 1987 following the Gwangju Democratization Movement.⁹⁵ The current constitution stipulates three separate powers: legislative, executive, and judicial.⁹⁶ The National Assembly is responsible for legislation, the President is accountable for the administration of laws,

⁸⁷ *Id.*

⁸⁸ Podberscek, *supra* note 1, at 625.

⁸⁹ *Id.*

⁹⁰ MARIE SEONG-HAK KIM, LAW AND CUSTOM IN KOREA: COMPARATIVE LEGAL HISTORY 41 (2012) (highlighting the Chosŏn dynasty's embodiment of "a quintessential state law model"). See also Lisa Blomgren Bingham et al., *Participatory Governance in South Korea: Legal Infrastructure, Economic Development, and Dispute Resolution*, 19 PAC. MCGEORGE GLOBAL BUS. & DEV. L.J. 375, 381–82 (describing Korea's "rich tradition of informal conciliation . . . outside any formal dispute-system design").

⁹¹ MARIE SEONG-HAK KIM, *supra* note 90, at 63 (After being denounced to the emperor, government officials brought suit for defamation, despite Korea lacking provisions for defamation suits. The court analogized to criminal code provisions requiring physical assailants to pay for their victims' care, in what was "likely the first incident in which civil law recovery was inferred from existing penal law. . . . Before the reform efforts could yield any real results, Korea became Japan's protectorate.").

⁹² *Id.* at 66.

⁹³ *Id.* at 297–98 (describing how Japan, like other colonial powers, sought to use the customary law paradigm as a means of giving colonial government sufficient local roots to achieve legitimacy).

⁹⁴ KIPYO KIM, INTRODUCTION TO KOREAN LAW 5 (Korea Legislation Research Institute ed., 2013).

⁹⁵ *Id.* at 6.

⁹⁶ Hyeon-Cheol Kim and Inyoung Cho, *Update: South Korean Law Research on the Internet*, GLOBALLEX (Feb. 2010) (available at http://www.nyulawglobal.org/globallex/South_Korea1.htm (accessed Oct. 16, 2014)) [<http://perma.cc/SQM6-F5DX>].

and the courts enforce and interpret the laws.⁹⁷ 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.⁹⁸ As such, modern Korean law is highly codified and controlled by the civil law tradition.⁹⁹

a. Judicial System

Unless the constitution explicitly provides otherwise, the courts of Korea have the power to adjudicate all legal disputes.¹⁰⁰ 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.¹⁰¹ 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.¹⁰² The High Courts are the intermediate courts, hearing matters of appeal but retaining a limited degree of original jurisdiction.¹⁰³ The Supreme Court takes appeals from the High Courts but, under certain circumstances, also takes appeals directly from the district courts.¹⁰⁴ 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.¹⁰⁵ The Constitutional Court, the last resort for constitutional disputes, handles constitutional issues and retains jurisdiction over the constitutionality of laws.¹⁰⁶ Generally, the courts conduct proceedings in Korean, and all hearings and judgments are open to the public.¹⁰⁷ While interpretation may be arranged when deemed necessary,¹⁰⁸ judicial decisions in English are typically unavailable.¹⁰⁹

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ SOUTH KOREA – LEGISLATION AND THE JUDICIAL SYSTEM, FOREIGN LAW GUIDE (Marcia Hoffman ed., 2013) (available at http://referenceworks.brillonline.com/entries/foreign-law-guide/south-korea-legislation-and-the-judicial-system-COM_111302 (accessed Oct. 16, 2014)) [hereinafter LEGISLATION AND THE JUDICIAL SYSTEM] [<http://perma.cc/ZFU7-5NXK>].

¹⁰⁰ *The Judiciary: Introduction*, THE SUPREME COURT OF KOREA, <http://eng.scourt.go.kr/eng/judiciary/introduction.jsp> (2008) (accessed Oct. 16, 2014) [<http://perma.cc/M42T-UFT2>].

¹⁰¹ *Id.*

¹⁰² LEGISLATION AND THE JUDICIAL SYSTEM, *supra* note 99.

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.¹¹⁰ Statutes are typically categorized as public and private law; public statutes generally have more than one relevant ministry responsible for promulgation of the statute.¹¹¹ Each of the eighteen ministries in the South Korean government has the power to make ordinances, rules, and regulations within statutes.¹¹²

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.¹¹³ A higher court's decision only prevails over the lower court's decision on the specific case concerned.¹¹⁴ 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.¹¹⁵ Judgments of lower courts may be upheld, reversed, or remanded based on the higher court's own fact-finding or legal interpretation.¹¹⁶ The Supreme Court may not conduct its own fact-finding and instead must apply only legal interpretation.¹¹⁷

2. Animal Protection Act

South Korea's Animal Protection Act (APA) was originally enacted in 1991.¹¹⁸ The law broadly defined the responsibility of animal owners and caretakers, including provisions prescribing minimum care¹¹⁹ and prohibiting animal cruelty.¹²⁰ However, the language used in most provisions, in particular the anti-cruelty provision, was indeterminate.

¹¹⁰ Kim & Cho, *supra* note 96.

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ Kim & Cho, *supra* note 96.

¹¹⁷ *Id.*

¹¹⁸ Generally, this Article uses Animal Protection Act (APA) to refer both to the initial 1991 Act and its subsequent revisions. The exception is the version of the Act brought about by significant amendments enacted in 2007, referred to as the Animal Protection Act as Amended in 2007 (APAA). Animal Protection Act, Act No. 4379, May 31, 1991, art. 6 (S. Kor.) (current version at Act No. 10995 (2011)), *translated in Animal Protection Act*, ANIMAL LEGAL & HIST. CTR. (available at <https://www.animallaw.info/statute/kr-cruelty-animal-protection-act> (accessed Oct. 16, 2014)) [<http://perma.cc/5XKN-BKXA>].

¹¹⁹ *Id.*

¹²⁰ *Id.*

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.

¹²⁶ Animal Protection Act, Act No. 8282, Jan. 27, 2008 (S. Kor.) (current version at Act No. 10995 (2011)) (original version at Act No. 4379 (1991)), *translated in* STATUTES OF THE REPUBLIC OF KOREA (Korea Legislation Research Inst. 1997) (available at http://elaw.klri.re.kr/eng_service/main.do (search “Animal Protection Act”) (accessed Oct. 17, 2014)) [<http://perma.cc/72CY-2JDU>].

¹²⁷ The Ministry of Agriculture, Food and Rural Affairs was known as the Ministry for Food, Agriculture, Forestry, and Fisheries until March, 2013. *About MAFRA: History*, MINISTRY OF AGRIC., FOOD & RURAL AFFAIRS, http://english.mifaff.go.kr/eng/list.jsp?group_id=1000&menu_id=1013&link_menu_id=&division=H&board_kind=&board_skin_id=&parent_code=1000&depth=1&tab_yn=N (accessed Jan. 18, 2015) [<http://perma.cc/A67Z-FZET>].

¹²⁸ *Reasons for Revision and Key Points of the New Law*, INT’L AID FOR KOREAN ANIMALS, <http://koreananimals.org/reasons-for-revision-and-key-points-of-the-new-law/> (accessed Oct. 16, 2014) [<http://perma.cc/TSC4-VBK2>].

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.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 “necess[ary] for veterinary treatment.”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.¹⁴⁵ Article 6 specifies basic care and management standards for animals including food, water, exercise, and sleep.¹⁴⁶ The section also includes a provision mandating “attention” from the owner or caretaker of the animal if sick or injured.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.¹⁴⁸

a. Recently Passed Amendments

On June 29, 2011, the APA was amended again.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.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.¹⁵¹ Additionally, the Ministry of Agriculture, Food and Rural Affairs shall collect and analyze data on various matters of animal welfare each year.¹⁵² The 2011 amendments also increased the punishment for violations of the Act.¹⁵³ Additional amendments strengthening the prohibition on cru-

¹⁴³ Act No. 8282, art. 7(2)(4).

¹⁴⁴ Act No. 8282, art. 7(2)(3); Act No. 8282, art. 7(2)(4).

¹⁴⁵ Compare Act No. 8282, art. 6(1–2) with Act No. 8282, art. 26 (Acts defined in the provisions of art. 6 are not covered by the penalties created in art. 26.).

¹⁴⁶ Act No. 8282, art. 6(1).

¹⁴⁷ Act No. 8282, art. 6(2).

¹⁴⁸ Kim, *supra* note 5, at 218.

¹⁴⁹ Animal Protection Act, Act No. 10995, June 29, 2011 (S. Kor.) (original version at Act No. 4379 (1991)), translated in STATUTES OF THE REPUBLIC OF KOREA (Korea Legislation Research Inst. 1997) (available at http://elaw.klri.re.kr/eng_service/main.do (search “Animal Protection Act”) (accessed Oct. 17, 2014)) [<http://perma.cc/72CY-2JDU>].

¹⁵⁰ Act No. 10995, art. 5(1); Act No. 10995, art. 15(1) (Animal shelters are referred to in the APA as animal care centers.).

¹⁵¹ Act No. 10995, art. 5(2); Act No. 10995, art. 5(3)(1–3).

¹⁵² Act No. 10995, art. 45(1).

¹⁵³ Compare Act No. 10995, art. 46(1) (“punished by imprisonment with prison labor for not more than one year or by a fine not exceeding ten million won”) with Animal Protection Act, Act No. 10310, art. 25(1), Nov. 26, 2010 (S. Kor.), translated in STATUTES OF THE REPUBLIC OF KOREA (Korea Legislation Research Inst. 1997) (available at http://elaw.klri.re.kr/eng_service/main.do (search “Animal Protection Act”) (accessed Oct. 17, 2014)) (“fined an amount not exceeding five million won”) [<http://perma.cc/72CY-2JDU>].

elty were passed in early 2013.¹⁵⁴ In particular, the amendments clarified the definition of animal cruelty and increased the scope of the Act to ban the display or distribution of animal-cruelty videos on the Internet.¹⁵⁵

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.¹⁵⁶ 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.¹⁵⁷ Co-sponsorship of the amendments transcended political party lines,¹⁵⁸ 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.¹⁵⁹ 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.¹⁶⁰
- 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

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.¹⁶¹ 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.¹⁶² Penalties related to the prohibition of cruelty of animals would hold organizations accountable, instead of only individuals.¹⁶³

- 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.¹⁶⁴
- Heightening the role of animal protection inspectors. In an effort to standardize and improve knowledge, annual training will be required for animal protection inspectors.¹⁶⁵ Moreover, animal protection inspectors will be required to take certain actions such as protecting and quarantining abused animals.¹⁶⁶

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.¹⁶⁷ Specifically, strengthened provisions prohibiting animal cruelty and increasing standards of animal welfare may provide leverage to ban dog farms.¹⁶⁸ 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.¹⁶⁹ 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

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).

¹⁷¹ Livestock Industry Act, Act No. 1363, June 26, 1963, art. 2(1), *amended by* Act No. 10310, May 25, 2010 (S. Kor.), *translated in* STATUTES OF THE REPUBLIC OF KOREA (Korea Legislation Research Inst. 1997) (available at http://elaw.klri.re.kr/eng_service/main.do (search “Livestock Industry Act”) (accessed Oct. 17, 2014)) [<http://perma.cc/72CY-2JDU>]; *Current Situation of Korea’s Dog Meat Industry*, *supra* note 35.

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.*

¹⁷⁴ Food Sanitation Act, Act No. 1007, Jan. 20, 1962, art. 2(1), *wholly amended by* Act No. 10787, June 7, 2011 (S. Kor.), *translated in* STATUTES OF THE REPUBLIC OF KOREA (Korea Legislation Research Inst. 1997) (available at http://elaw.klri.re.kr/eng_service/main.do (search “Food Sanitation Act”) (accessed Oct. 17, 2014)) [<http://perma.cc/72CY-2JDU>]. Presidential Decree No. 24454 and Ordinance of the Ministry of Health and Welfare No. 185 (both dated Mar. 23, 2013) transferred work related to food and drug safety policy to the Ministry of Food and Drug Safety. *About MOHW: History*, MINISTRY OF HEALTH & WELFARE, http://english.mw.go.kr/front_eng/sg/ssg0104mn.jsp?PAR_MENU_ID=1001&MENU_ID=10010406 (accessed Jan. 18, 2015) [<http://perma.cc/M6WM-3KSU>].

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,¹⁷⁶ holding that the tonic is not medicine as defined by the Pharmaceutical Affairs Act of 1953.¹⁷⁷

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.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.¹⁷⁹ The government announced an initiative to ban the sale of dog meat in urban areas, especially tourist areas.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.¹⁸¹

In 1984, Seoul issued a regulation outlawing the sale of dog meat by classifying it as a ‘disgusting’ food.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.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.¹⁸⁴ Violators received one warning before the imposition of a seven-day suspension from business.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.¹⁸⁶

Pressure on the South Korean government to ban the consumption of dog meat arose again leading up to the 2002 FIFA World Cup.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

¹⁷⁶ *Id.* at 209 (citing Supreme Court, 1987 Do1443 (S. Kor)).

¹⁷⁷ *Id.*

¹⁷⁸ *Id.* at 210.

¹⁷⁹ Podberscek, *supra* note 1, at 620.

¹⁸⁰ Kim, *supra* note 5, at 210.

¹⁸¹ *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.).

¹⁸² *Id.*

¹⁸³ Podberscek, *supra* note 1, at 620.

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ E-mail from Borami Seo, Policy Manager at Korea Animal Rights Advocates, to author (Jul. 31, 2013) (on file with *Animal Law*).

¹⁸⁷ Podberscek, *supra* note 1, at 621.

Processing Act.¹⁸⁸ The bill, which called for a distinction between dogs that would be eaten and companion dogs, did not pass.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.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.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-

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ Kim, *supra* note 5, at 211–12.

erally, Koreans—and people around the world—accept that animals may be raised and slaughtered for food as long as their death is humane.¹⁹² 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.¹⁹³ 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.¹⁹⁴ Thus, legal protections for the welfare of living dogs and banning the slaughter of dogs are two separate issues.¹⁹⁵

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,¹⁹⁶ which in turn would promote hygienic and humane handling.¹⁹⁷ Conversely, other organizations believe that dog meat should be completely banned by law.¹⁹⁸ They argue

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>].

¹⁹⁸ *KARA's Position on the Dog Meat Industry*, KOREA ANIMAL RIGHTS ADVOC., <http://animalrightskorea.org/dog-meat-issue/karas-position-on-the-dog-meat-industry.html> (accessed Oct. 17, 2014) ("[I]n the battle against the dog meat industry KARA will settle for nothing less than its complete abolition.") [<http://perma.cc/7Q5Z-9G5W>]; *Can Com-*

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 production necessitates inhumane practices.¹⁹⁹ Legalization of dog meat may result in an increase of dog meat production, potentially creating another factory farming industry.²⁰⁰ Consumption may also increase since government may be seen as condoning the practice.²⁰¹

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.²⁰² The Korea Animal Protection Society proposed a ban on slaughtering dogs and cats for medicinal use; however, the bill did not become law.²⁰³ 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.²⁰⁴ The proposed legislation was meant to override the current Animal Protection Act (APA).²⁰⁵ However, lobbying attempts have not been successful to date. As of November 2014, the bill had not become law.²⁰⁶

Additional actions taken by organizations that are anti-dog meat in South Korea include alerting authorities to known illegal activities.²⁰⁷ For example, in one area the dog meat business has expanded to over seventy-five known establishments.²⁰⁸ Some of the establishments post signs advertising the availability of dog meat, including whole dogs.²⁰⁹ Though the sale of dog meat is prohibited because it is a ‘disgusting’ food—and the sale by unlicensed establishments is addi-

mercial Dog Meat Ever Be Humane?, WORLD ANIMAL PROTECTION, <http://www.wspa-usa.org/wspaswork/companionanimals/dogmeattrade/commercialdogmeat.aspx> (original site no longer available; cached version available at <http://archive-org.com/page/3720149/2014-02-14/http://www.wspa-usa.org/wspaswork/companionanimals/dogmeattrade/commercialdogmeat.aspx> (accessed Oct. 16, 2014)) (“As an animal welfare organization, WAP seeks to bring an end to cruel practices [including dog meat], not regulate or legalize them.”) [<http://perma.cc/C382-C52N>].

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.*

²⁰⁴ KARA’s *Position on the Dog Meat Industry*, *supra* note 198.

²⁰⁵ *Id.*

²⁰⁶ *Id.*

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ *Id.*

tionally prohibited under the Food Sanitation Act of 1962 (FSA)—reports 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 education 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.

²¹¹ *Petitions*, KOREANDOGS.ORG, <http://koreandogs.org/petitions/> (accessed Oct. 1, 2014) [<http://perma.cc/K2KD-UPGA>].

²¹² Vivian K. Whang, *Seongnam, South Korea: Close Down Moran Market Dog Slaughterhouses—Enforce the Animal Protection Law!*, CHANGE.ORG, <https://www.change.org/p/seongnam-south-korea-close-down-moran-market-dog-slaughterhouses-enforce-the-animal-protection-law> (accessed Oct. 17, 2014) [<http://perma.cc/MT9G-D3Q2>].

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).

²¹⁵ Letter from Dept. of Animal Disease Control to Koreandogs.org (Feb. 20, 2014) (available at <http://koreandogs.org/s-korean-governments-response-to-our-petition-to-close-down-moran-market-dog-slaughterhouses/> (accessed Oct. 17, 2014)) [<http://perma.cc/RTW8-L5YC>].

2. *Animal Cruelty*

Enforcement of the APA has been effective in some cases.²¹⁶ For example, in a highly publicized incident in 2001, a man was convicted under the APA after drunkenly kicking his dog.²¹⁷ He was fined but did not receive jail time.²¹⁸ In 2006, after an episode of animal cruelty was uploaded onto the Internet, the perpetrator was convicted, receiving two days' jail time.²¹⁹ The case was highly emotive and drew significant attention from the public.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.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.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.²²³ As a result, animal protection groups have organized a petition to the Busan Gijang Police demanding proper investigation and enforcement of the APA.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,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.

²¹⁶ The publicly known animal cruelty cases are generally those in which animal protection organizations were involved.

²¹⁷ Kim, *supra* note 5, at 214.

²¹⁸ *See id.* (stating his only penalty was 100,000 won (\$100 in U.S. currency)).

²¹⁹ *Id.*

²²⁰ *See id.* (referencing a news article on the issue).

²²¹ *Busan Gijang: Sledgehammer Blow to the Neck Not Cruel?*, KOREANDOGS.ORG, <http://koreandogs.org/busan-gijanggun-sledge-hammer-blow-not-cruel-english/> (Nov. 15, 2013) (accessed Oct. 17, 2014) [<http://perma.cc/8RCS-2FT3>].

²²² *Id.*

²²³ *Id.*

²²⁴ *Id.*; Jong-Hoon Hyun, *Busan Gijang Police: Proper Investigation and Prosecution of Psychopath Who Killed Countless Dogs by Sledgehammer Blow to the Neck and Blowtorching in Busan Gijang, South Korea*, CHANGE.ORG, <https://www.change.org/p/busan-gijang-police-proper-investigation-and-prosecution-of-psychopath-who-killed-countless-dogs-by-sledgehammer-blow-to-the-neck-and-blowtorching-in-busan-gijang-south-korea> (accessed Oct. 2, 2014) [<http://perma.cc/M5DJ-8W8M>].

²²⁵ Podberscek, *supra* note 1, at 624.

3. Dog Breeding Regulations

As discussed in Part III,²²⁶ the APAA includes a breeder license system in Article 15.²²⁷ Any person or organization intending to produce, import, or sell animals is required to obtain a license from the local government,²²⁸ and the license is subject to suspension or revocation if a breeder violates the anti-cruelty provisions outlined in Article 7.²²⁹ As a result of the trend of keeping dogs as pets in South Korea, large-scale breeding facilities and unregulated breeding mills are increasing.²³⁰ Purebred puppies and dogs are sold in markets, pet shops, and overseas.²³¹ Unsold puppies, older dogs, and female breeding dogs may end up in the dog meat trade.²³² 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.²³³

B. Antibiotic Use

Antibiotic tolerance in Korea is at a very high level compared to other countries.²³⁴ 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

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).

²³⁰ See *Puppy Mill Investigation 1*, KOREA ANIMAL RIGHTS ADVOC., <http://animalrightskorea.org/actions/puppy-mill-investigation-1.html> (Mar. 25, 2014) (accessed Oct. 17, 2014) (“In Korea, anybody can easily start business to breed dogs without any legislative restriction.”) [<http://perma.cc/MU68-Q2X8>]; see also Geoffrey Cain, *Those Adorable Teacup Pups, Loved by Celebrities, Often Begin Life in Abusive Breeding Mills*, GLOBALPOST, <http://www.globalpost.com/dispatch/news/regions/asia-pacific/south-korea/140612/teacup-puppies-breeding-mills-abuse> (June 16, 2014) (accessed Nov. 23, 2014) (describing South Korean puppy mills as unregulated and numerous, and discussing how domestic and growing international market forces promote South Korean puppy mills) [<http://perma.cc/M8E8-P87N>].

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.); *Why Save South Korean Dogs?*, *supra* note 84 (discussing popularity of small purebred dogs in the domestic South Korean market).

²³² Podberscek, *supra* note 1, at 628.

²³³ See Chris Wolverton, *Enforce Animal Protection Laws against Korean Puppy Mills*, <http://www.thepetitionsite.com/774/594/644/enforce-animal-protection-laws-against-korean-puppy-mills/> (accessed Oct. 1, 2014) (noting only 65 licenses have been issued for the 2,000 to 3,000 dog farms in South Korea) [<http://perma.cc/478D-5PWA>]; Podberscek, *supra* note 1, at 622 (estimating there may be 765,006 dog farms).

²³⁴ Sylvia Park et al., *Antibiotic Use Following a Korean National Policy to Prohibit Medication Dispensing by Physicians*, 20 HEALTH POL’Y & PLAN. 302, 303 (Sept. 2005); SURVEY, *supra* note 38.

States, 0.13 in the United Kingdom, and 0.04 in Norway.²³⁵ While comprehensive data regarding disease control on dog farms is unavailable, dog farms generally present serious antibiotic abuse issues.²³⁶ 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.²³⁷ 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.²³⁸ South Korea banned antibiotics in animal feed in 2011,²³⁹ and a prescription is now required to obtain antibiotics.²⁴⁰

There have not been any legal cases on antibiotic use in animals raised for human consumption in South Korea.²⁴¹ In 2013, KARA and Green Korea launched a constitutional appeal regarding antibiotic use and abuse in the Constitutional Court.²⁴² The matter is expected to be heard before a judge, but as of November 2014, the posture of the case is unknown.²⁴³ 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.²⁴⁴ Additionally, the filthy conditions may attract

²³⁵ SURVEY, *supra* note 38.

²³⁶ *Id.*

²³⁷ *Id.*

²³⁸ In the United States, antibiotic use in livestock animals is heavily regulated by the Food and Drug Administration Center for Veterinary Medicine (FDA CVM). As resistance to antimicrobials continues to evolve, antibiotics must only be used appropriately. The European Union passed a ban on the use of antibiotic growth promoters in livestock effective in 2006. FDA, *About the Center for Veterinary Medicine*, U.S. DEP'T OF HEALTH & HUMAN SERVICES, <http://www.fda.gov/AboutFDA/CentersOffices/OfficeofFoods/CVM/default.htm> (updated Aug. 8, 2014) (accessed Oct. 17, 2014) [<http://perma.cc/34UL-JFCU>]; Vanessa K.S. Briceno, *Superbug Me: The FDA's Role in the Fight against Antibiotic Resistance*, 9 N.Y.U. J. LEGIS. & PUB. POL'Y 521, 528 (2006).

²³⁹ Dan Flynn, *South Korea Bans Antibiotics in Animal Feed*, FOOD SAFETY NEWS, <http://www.foodsafetynews.com/2011/06/south-korea-bans-antibiotics-in-animal-feed/#.UzdpYa1dXhs> (June 7, 2011) (accessed Oct. 17, 2014) [<http://perma.cc/5HXA-MTJX>].

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-NO-TO-DOGMEAT.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.*

²⁴⁹ *Notes on the Classification of Dogs as Livestock*, KOREA ANIMAL RIGHTS ADVOC., <http://animalrightskorea.org/dog-meat-issue/notes-on-the-classification-of-dogs-as-livestock.html> (accessed Oct. 1, 2014) [<http://perma.cc/9BHB-S8SA>]; Kim Tae-jong, *Dog Farms under Sanitation Rules*, KOREA TIMES, Aug. 14, 2008 (available at http://www.koreatimes.co.kr/www/news/nation/2008/08/117_29358.html (accessed Oct. 17, 2014)) [<http://perma.cc/84XX-9A3C>].

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

²⁵⁴ Water Quality and Ecosystem Conservation Act, Act No. 8976, Mar. 21, 2008, art. 15(1)(2), 78(3)(S. Kor.), *translated in* STATUTES OF THE REPUBLIC OF KOREA (Korea Legislation Research Inst. 1997) (available at http://elaw.klri.re.kr/eng_service/main.do (search "Water Quality and Ecosystem Conservation Act") (accessed Oct. 17, 2014)) [<http://perma.cc/72CY-2JDU>]. In Korean currency, the maximum fine may not exceed 10 million won. *Id.*

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.

²⁵⁷ Animal Protection Act, art. 10(6) (1998), Council of Agric., http://eng.coa.gov.tw/content_view.php?catid=8998&hot_new=8869# (accessed Oct. 17, 2014) (Taiwan) (prohibits "any act [against animals] that violates good social custom") [<http://perma.cc/TX3V-TVMQ>].

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.²⁵⁹ Some frame the controversy as a cultural confrontation or based in racism.²⁶⁰ Therefore, advocates and commentators note that the debate over dog meat consumption should shift away from an international dialogue to a national conversation.²⁶¹ 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.²⁶² Health risks escalate for those people involved in the production and slaughter of dogs, as well as for those who consume dog meat.²⁶³ 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.²⁶⁴ In 2009, a South East Asia Infectious Disease Clinical Research Network study linked a human rabies infection in Hanoi, Viet Nam to contact with an infected dog during the butchering process.²⁶⁵ Other reports of humans contracting rabies by killing dogs, handling

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.

²⁶² See *Zoonotic Diseases*, THE MERCK VETERINARY MANUAL, http://www.merckmanuals.com/vet/zoonoses/zoonoses/zoonotic_diseases.html (Mar. 2012) (accessed Nov. 23, 2014) (listing zoonotic diseases, noting which are able to cross the human-canine species barrier) [<http://perma.cc/BMT2-Y8F6>].

²⁶³ Maher Sattar & Sarah Reed, *Dog Meat Trafficking Disgusts Health Experts*, AL JAZEERA, (available at <http://www.aljazeera.com/indepth/features/2013/03/2013328132714178410.html> (Apr. 2, 2013) (accessed Oct. 1, 2014)) [<http://perma.cc/CZU8-E7WU>].

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, *Camphylobacter*, Cutaneous larval migrans, Giardiasis, Lyme disease, Psittacosis, Salmonellosis, Shigellosis, Visceral larva migrans, Bebesiosis, Anthrax, Colibacillosis, 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.²⁶⁶ 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.²⁶⁷ Heavy metal is difficult to discharge from the body,²⁶⁸ putting both the dogs and the humans who later consume their meat at risk. Lead and cadmium can cause lethal poisoning.²⁶⁹ In 2008, a Korean Broadcasting System (KBS) Consumer Report highlighted the scope of the problem of contaminated dog meat.²⁷⁰ 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).”²⁷¹ Several of the samples proved to be more toxic than allowed under the Livestock Processing Act.²⁷²

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.²⁷³ 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

²⁶⁶ See e.g., *id.* at 4 (noting other rabies cases linked with dog meat preparation or consumption in Viet Nam, as well as the Philippines and China); Claire Wallerstein, *Rabies Cases Increase in the Philippines*, 318 *BMJ* 1306, 1306 (May 15, 1999) (available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1115700/pdf/1306.pdf> (accessed Oct. 17, 2014)) (noting prevalence of rabies and risk posed from dog meat consumption) [<http://perma.cc/SC87-DAPX>]; A. Kureishi et al., *Rabies in China: Recommendations for Control*, 70(4) *Bulletin of the World Health Organization*, 443, 444, 448 (describing cases of rabies transmission during dog meat preparation, concluding the practice “deserves particular attention in . . . rabies control in China, in view of the use of dogs as an edible meat source”).

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.*

²⁷³ See e.g., *Dog Meat and Human Health*, CHANGE FOR ANIMALS FOUND., http://www.changeforanimals.org/#!/dog_meat_in_south_korea_4/cdi6 (accessed Oct. 3, 2014) [<http://perma.cc/GU4H-2RK3>].

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.*

²⁷⁶ *Dog Meat Protest: Local Group Demonstrates against South Korea's Consumption of Dogs and Cats*, HUFFINGTON POST, http://www.huffingtonpost.com/2011/08/15/dog-meat-protest-south-korea-sf_n_927741.html (Aug. 15, 2011) (updated Oct. 15, 2011) (accessed Oct. 3, 2014) [<http://perma.cc/2VKF-GV8W>].

²⁷⁷ *International Day of Protest against Korea's Dog and Cat Meat Trade*, FACEBOOK, <https://www.facebook.com/events/230640473612806/> (accessed Oct. 3 2014) [<http://perma.cc/5PXJ-P547>].

²⁷⁸ See Li, *South Korea Bockdays Dog Meat Festival Protest—No to Dog Meat*, DEMOTIX, <http://www.demotix.com/news/2284881/south-korea-bockdays-dogs-meat-festival-protest-no-dog-meat#media-2284862> (July 23, 2013) (accessed Oct. 3, 2014) [<http://perma.cc/R78M-TRVR>].

²⁷⁹ Charlie Wells, *South Korean Activists Protest Consumption of Dog Meat*, N.Y. DAILY NEWS, <http://www.nydailynews.com/news/world/south-korean-activists-protest-consumption-dog-meat-article-1.1131092> (Aug. 7, 2012) (accessed Oct. 3, 2014) [<http://perma.cc/W8QX-8QK8>].

²⁸⁰ Katerina Lorenzatos Makris, *Worldwide Protests Today against South Korea's Torture and Consumption of Dogs and Cats*, ANIMAL ISSUES REP., <http://www.animalissuesreporter.com/worldwide-protests-today-against-south-koreas-torture-and-consumption-of-dogs-and-cats/> (Aug. 7, 2012) (accessed Oct. 3, 2014) [<http://perma.cc/C4DJ-38ZJ>].

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.²⁸¹ 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.²⁸² Mong-Joon dismissed the letter, saying there was "no need for FIFA to get involved."²⁸³ 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.²⁸⁴ The campaign offered fans free samples of dog meat stew and soup.²⁸⁵ 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 legitimiz[e] the consumption of dog meat and change foreigners' prejudice against our culinary culture."²⁸⁶ Government pressure brought the plan to a halt.²⁸⁷

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.²⁸⁸ Amid main-

²⁸¹ See *supra* text accompanying notes 178–181 (discussing pressure on government from protests and media campaigns during this time).

²⁸² *The History of Korea's Dog Meat Industry*, *supra* note 78. See also *Fifa Warns S Korea over Dog Meat*, BBC NEWS, <http://news.bbc.co.uk/2/hi/asia-pacific/1640848.stm> (Nov. 6, 2001) (accessed Nov. 21, 2014) (discussing Dr. Chung's positions and communication with FIFA) [<http://perma.cc/ZMW2-J54A>].

²⁸³ *S Korea Dog Meat Row Deepens*, BBC NEWS, <http://news.bbc.co.uk/2/hi/asia-pacific/1651543.stm> (Nov. 12, 2001) (accessed Oct. 3, 2014) [<http://perma.cc/HV3W-ZW6X>].

²⁸⁴ Vivek Chaudhary, *Visitors to Be Given Dog Meat 'to Combat Prejudice'*, THE GUARDIAN, <http://www.theguardian.com/uk/2002/may/28/worldcupfootball2002.vivekchaudhary> (May 27, 2002) (accessed Oct. 3, 2014) [<http://perma.cc/7P57-64QH>].

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,²⁸⁹ animal protection organizations stepped in to provide education about dog population management and even facilitated rescue efforts for a few lucky dogs.²⁹⁰ 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.²⁹¹ 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 2018.²⁹²

Other groups are urging boycotts of the Olympic Games because of the dog meat industry.²⁹³ Interestingly, when asked by reporters directly about how he would handle protests over the practice of eating dog meat, Games Chief Kim Jin-sun said, “[i]t cannot be raised at Games time because there is no practice of eating dogs in Korea.”²⁹⁴ This enraged many advocates, including the group KoreanDogs.org, who accused the Games Chief of lying about dog meat consumption in South Korea.²⁹⁵ Time will tell if increased advocacy and protest efforts leading up to the Olympics will have lasting effects on the dog meat trade.

save-dogs-roaming-around-sochi.html?_r=0 (accessed Oct. 3, 2014) [<http://perma.cc/4FG8-BQN6>].

²⁸⁹ *Id.* See also Ivan Watson, *Russians Say Authorities Rounding Up, Poisoning Stray Dogs before Olympics*, CNN, <http://www.cnn.com/2014/02/05/world/europe/russia-sochi-stray-dogs/> (updated Feb. 5, 2014) (accessed Oct. 3, 2014) (discussing alleged culling of stray dogs) [<http://perma.cc/5FHK-YZTE>].

²⁹⁰ Maya Rhodan, *10 Stray Sochi Pups Arrive in U.S.*, TIME, <http://time.com/41428/sochi-dogs-washington/> (Mar. 28, 2014) (accessed Oct. 3, 2014) [<http://perma.cc/PC8Q-SAHE>].

²⁹¹ See e.g., *Sample Letters*, INT’L AID FOR KOREAN ANIMALS, <http://koreananimals.org/sample-letters/> (accessed Oct. 3, 2014) (urging a ban on dog meat before the 2018 Winter Games) [<http://perma.cc/84BN-KADM>].

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).

²⁹³ Alastair Gal, *Dog Meat Issue to Hound 2018 Winter Olympics*, WALL ST. J. BLOG, <http://blogs.wsj.com/korearealtime/2014/02/10/dog-meat-issue-to-hound-2018-winter-olympics/> (Feb. 10, 2014) (accessed Oct. 3, 2014) [<http://perma.cc/5VRA-3L5B>].

²⁹⁴ Karolos Grohmann, *Eating Dog Meat Will Not Be Issue in Pyeongchang: Chief*, REUTERS, <http://uk.reuters.com/article/2014/02/09/us-olympics-pyeongchang-idUK-BREA180L420140209> (Feb. 9, 2014) (accessed Oct. 3, 2014) [<http://perma.cc/R7U4-DQD8>].

²⁹⁵ *President of the PyeongChang 2018 Winter Olympics, Jin-Sun Kim, Lies about the S. Korea Dog Meat Consumption*, KOREANDOGS.ORG, <http://koreandogs.org/president-of-the-pyeongchang-2018-winter-olympic-jin-sun-kim-lies-about-the-s-koreas-dog-meat-consumption/> (Feb. 24, 2014) (accessed Oct. 3, 2014) [<http://perma.cc/QKC9-UHQK>].

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); Anucyia 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>].