

## Editorial



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Dear readers,

It is an honour for me to take on the editorship of *Derecho Animal: Forum of Animal Law Studies* and resume publication with a firm commitment to continuity, excellence and academic rigour. This journal is not merely an editorial space but an intellectual project that has helped consolidate animal law as an independent discipline in both the Ibero-American sphere and worldwide.

The existence and prestige of the journal are due, first and foremost, to the pioneering work of Professor María Teresa Giménez-Candela, whose ground-breaking book *Animal Transition in Spain* (Tirant lo Blanch, 2019) established an essential epistemological framework for understanding the regulatory and ethical evolution surrounding animals. Under her leadership, the journal became an international reference point, giving voice to interdisciplinary debates that have shaped academic and legislative agendas in multiple countries.

It is equally essential to acknowledge the dedication and meticulousness of Professor María José Rodríguez Puerta, who took over the editorship at a key moment, ensuring the continuity of the project with an integrative vision and an unwavering commitment to scientific quality. No less important has been the academic and logistical contribution of Doctor Carolina Leiva, together with the team at the Autonomous University of Barcelona, whose technical and organisational work has sustained the editorial structure and guided the journal toward new horizons. To all of them, we give our most sincere gratitude for having laid the foundations of this unique space, which today reaffirms itself as an indispensable forum for legal, ethical and political debate on the relationship between humans and animals.

I also wish to express my deepest gratitude to the outgoing dean of the Faculty of Law at UAB, Professor Susana Navas Navarro, for the trust she placed in me in supporting my appointment to this role; and to

the new dean, Professor Ricardo Esteban Lagarret, for confirming that support and reaffirming the university's commitment to the continuity and growth of this publication. The trust of both figures has been fundamental not only for my appointment but also for ensuring the future of the journal as a significant voice in the study of animal law.

This new episode in the journal's history starts with the firm conviction that animal law represents a structural reconfiguration of the contemporary legal system and not a fleeting legislative trend. The progressive incorporation of principles such as sentience, animal dignity and interspecies justice into regulatory and jurisprudential instruments across the world – from recognition of legal personality for ecosystems in New Zealand to *habeas corpus* rulings for animals in Latin America (in Colombia and Ecuador) – confirms that we are witnessing a global and irreversible paradigm shift. In the face of this transformative scenario, our mission as a journal is to critically accompany this process, documenting its most significant developments and guiding the debate toward building more coherent and compassionate legal systems. We aim to offer rigorous analyses that examine the tensions between legal tradition and regulatory innovation, as well as conceptually innovative proposals that address the multispecies complexity of the 21st century. In this sense, the journal aspires to become a space for interdisciplinary dialogue, where perspectives from law, philosophy, environmental sciences and applied ethics converge, contributing to the development of a regulatory framework that responds to the challenges of a society in transition towards fairer and more sustainable forms of coexistence with all sentient beings.

## **Regulatory paradoxes and intersectionality: Today's challenges**

Contemporary animal law presents a growing structural divergence between the regulatory recognition of animal sentience and its effective judicial implementation. This dissonance is evident in legislative advances as significant as the constitutional reform under discussion in Mexico, or the reform already enacted in Ecuador, which contrast with particularly acute implementation deficiencies in the areas of wildlife and production animals. The paradox reaches its peak when these innovations clash with culturally entrenched practices supported by legal loopholes – a tension critically analysed in Martínez Quirante's article on the Spanish case regarding possession of hunting firearms, which unpicks conflicts between tradition, law and ethics in the 21st century.

Intersectionality emerges as an indispensable analytical framework for understanding the complexity of these challenges. The inseparable link between animal exploitation, climate crisis and social justice

demands holistic approaches, such as that offered by Rehbein and Piga-to on multispecies disaster law in Brazil, which highlights the urgent need for regulatory frameworks capable of protecting all species in socio-environmental crisis contexts. At the same time, the increasing technologization of the sector generates new ethical-legal dilemmas, in which certification systems based on artificial intelligence for monitoring animal welfare raise fundamental questions about the limits of quantification versus the irreducibility of subjective animal experience.

Innovative responses are emerging from the global south, reshaping traditional paradigms. The current volume addresses this idea with studies by Ramirez Sierra and Restrepo-Yepes, and by Vargas-Chaves, Marulanda and Argüello-Rueda, which examine the concept of “multispecies family” in Colombian law, analysing its jurisprudential developments and exploring emerging institutions such as the immunity from seizure and custody of companion animals, thus contributing to the construction of a more contextualized and transformative animal law.

## International humanitarian law and transspecies suffering

Contemporary armed conflicts brutally expose one of the great omissions of international humanitarian law: the explicit protection of non-human animals. Far from the simplistic definition that reduces non-human animals to “collateral damage”, they are direct and silent victims of the senselessness of war. Their suffering takes multiple forms: mass abandonment in farms that become traps of hunger and disease; death under the rubble of zoos and sanctuaries that have become inadvertent targets; and their instrumentalization as tools of war, whether forced to act as mine detectors or used as vectors in bioterrorism tactics. This suffering, historically erased from official conflict narratives – from the Sarajevo zoo bear in 1992 to the thousands of animals slaughtered in Ukraine and Gaza – constitutes a stain on our collective ethics. This situation urgently demands that the international legal community take threefold action, to:

1. Reformulate humanitarian aid protocols to include transspecies rescue and shelter teams;
2. Expand on the Geneva Conventions to explicitly integrate animals as “vulnerable sentient beings” in the corpus on international humanitarian law; and
3. Recognize that documenting their suffering is not an afterthought but a moral and legal imperative to build a conflict memory that is honest and truly comprehensive.

The silence of the international community cries out for legal reform that can no longer remain a mere promise.

## Contents of this issue: Roots and horizons

This volume offers a broad and critical overview of the advances and challenges of animal law in different legal and social contexts. The articles collected here address issues ranging from redefining the legal status of animals in the family sphere to incorporating their protection in climate emergency scenarios and articulating doctrinal, comparative and ethical reflections.

This issue includes studies on the multispecies family in Colombian law, examining the tension between traditional categories of subject and object and the need to recognize animals as family members. These works propose clear regulation that corresponds to new forms of human-animal relationships, highlighting the evolution toward more inclusive regulatory models.

Similarly, there is an analysis of the immunity from seizure and custody of companion animals in Colombia, exploring the transition from their historical treatment as movable property to recognition of their status as sentient beings. The article identifies recent legislative milestones and outlines guidelines for future regulation that consolidates the protection of the animal as a full family member, superseding the merely patrimonial vision.

In the field of comparative law, the interpretative criteria of the Constitutional Court of Peru regarding the possession of companion animals in horizontal property are examined, proposing solutions to absolute prohibitions and illicit agreements. The study emphasizes the need to apply principles of proportionality and to guarantee the effective protection of animals in community environments.

There is also a meditation on the possession of hunting weapons in Spain, questioning whether possession constitutes a subjective right or an exceptional privilege in contemporary society. Historical and regulatory analysis reveals tensions between public safety, individual freedom and administrative control, offering arguments for a restrictive interpretation of this practice.

Finally, the issue features an article on multispecies disaster law in Brazil which denounces the exclusion of animals in civil defence legislation and proposes theoretical and legal arguments for including them in public risk management policies. Drawing on international experiences, it argues for the urgency of consolidating a new paradigm of ecological justice that recognizes the vulnerability of all forms of life to extreme phenomena.

The review section features an analysis of the work *Introdução ao direito animal: a teoria das capacidades jurídicas animais* by Vicente de Paula Ataide Jr., which examines the theory of legal capacities as a doctrinal framework for animal protection. This approach proposes a dynamic classification of rights according to the legal capacity attributed to each species, opening new perspectives for consolidating animal law as an independent discipline.

## Commitment to the future

I take on the editorship of this journal with the firm purpose of honouring the legacy it has established and steering it towards new horizons. This journal is conceived as a plural and critical space, open to jurists, scientists, philosophers and others from all disciplines who wish to contribute to consolidating a legal system sensitive to multispecies reality. The full recognition of sentience and the intrinsic value of animals – as exemplified by the reform of the Portuguese Civil Code – is not a distant aspiration but an ethical and regulatory imperative that marks the course of contemporary legal evolution.

The expansion of our collective ethics is not a utopia but an essential goal to ensure coherence between the principles of justice and the protection of all forms of life. This forum is committed to exploring, substantiating and defending that goal, promoting an interdisciplinary dialogue that transforms theory into practice and reflection into action.

Thank you for your attention and trust,

Joaquín David Rodríguez Álvarez  
Editor of *Revista de Derecho Animal:*  
*Forum of Animal Law Studies*  
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