

# observant

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Photo: Mikko Kriek



## editorial

## Exit X

Years ago, feeling like I couldn't stay behind, I created a Twitter account. My goal was to follow others and occasionally send out a tweet myself. To this day, I've never done the latter. Why not? Who knows. In the end, I suppose I just didn't care enough about making my voice heard on this platform. Nor did I ever become an avid follower of other people's accounts. There were always other priorities, and – helpfully – if anything significant happened on Twitter, I'd quickly hear about it from my colleagues anyway.

Around the same time, *Observant* set up a Twitter account. My colleagues managed it on behalf of the editorial team, posting tweets, retweeting posts and replying to others when necessary. However, our activity gradually dwindled after Elon Musk took over the platform two years ago and rebranded it to X. A few weeks ago, we decided to stop posting altogether, and last Monday, we deleted the account. In hindsight, we realised we should've done it much sooner. Twitter/X had been grating on us for quite some time, with abusive language, hate speech, disinformation and conspiracy theories drowning out any worthwhile content. But even more importantly, as the journalism news site *Villamedia* put it last week, "The core values of independent journalism and democratic decision making are (...) no longer compatible with the way X is managed, used and abused by its owner."

After Musk's takeover, he fired most moderators (fact-checking is no longer a priority on the platform), welcomed back banned users like Donald Trump, and used X to further his own political agenda of helping Trump win the US presidential election and securing himself a new job in the process: heading the Department of Government Efficiency. Inspired by the editorial team's decision, I decided it was time to delete my own long-inactive account. Unfortunately, I turned out to have forgotten both my username and password. Recovering them required some creative problem solving, but once I did, deleting the account – with a bit of help – was a breeze. Exit X.

Riki Janssen

Every week, the editor-in-chief writes about what has been happening at the *Observant* office



## series everything you want to know about sex



Collage: Simone Golob

## "What are your mood killers?"

You can easily orgasm when masturbating alone, but during sex with a partner, you feel disconnected from your pleasure. You struggle to fully enjoy yourself or become physically aroused, let alone reach climax, even though you genuinely like and are attracted to your partner. So, what is going on? UM sexologist Marieke Dewitte shares her insights.

There's a good chance you're too caught up in your own head, explains Dewitte. "To enjoy sex, you need to be able to relax and let go. That's impossible if you're constantly thinking about how your body looks, worrying about making strange noises or wondering whether your partner is enjoying themselves. This is called 'spectatoring', observing yourself as if you're an outsider rather than actually being in the moment."

Other thoughts might pop into your head as well – about the groceries you still need to buy, for example, or that looming essay deadline. "We all have an accelerator and a brake when it comes to sexual arousal. The right kind of stimulation presses the accelerator, but it's just as important to figure out what presses on your brake. What are your mood killers?" Keep in mind that it's perfectly normal for people to be distracted. "Research shows that our minds wander 75% of the time. That's just how the human brain is wired, and it's no different during sex. The trick is to bring your attention back to your body and the sexual stimulation you're experiencing." It's a good idea to practise this, Dewitte says. "Try regular body scans or other meditation techniques to train yourself to redirect your focus to your body and its sensations." It also helps to create a relaxing atmosphere before having sex. "Set up a safe

and comfortable environment. Make sure the room is nice and warm, light a candle, maybe have a glass of wine..."

Avoid falling into a negative spiral, she warns. "If you go into partnered sex convinced you won't be able to orgasm, it definitely won't happen. Instead, try to approach it with an open mind. Think, 'Let's see how it goes today – maybe it'll happen this time.'"

Finally, don't be afraid to talk to your partner about it, says Dewitte. "It might simply be that your body isn't getting the right kind of stimulation. There's a myth that if you like each other, you'll instinctively know what the other person wants during sex, but that's just not true. You need to communicate, whether verbally or non-verbally. For example, moan a bit louder to indicate to your partner that they're on the right track."

Cleo Freriks

Marieke Dewitte is a clinical psychologist and sexologist at Maastricht University. In this weekly series, she answers questions about sex from students. If you have a question, you can submit it anonymously, scan the code



“Take Your Leave” campaign at the Faculty of Science and Engineering

# “No time to unwind? Try riding a new bike!”



The bicycle shed of the faculty Science and Engineering Photo: Joey Roberts

Unused leave has long been a thorn in the side of the university administration, not just because employees are missing out on time off they are entitled to but also because the university is required to maintain a significant financial reserve as a result. The Faculty of Science and Engineering (FSE) decided it was time for action. You can't walk through the faculty building without seeing the stickers and posters.

“Floating in leave hours? Why not take a break?” “Offline? Make the switch today!” “No time to unwind? Try riding a new bike!” The faculty's campaign is targeting all FSE staff. In lifts, corridors, the bicycle shed, any areas with heavy foot traffic – the stickers and posters are everywhere, in both English and Dutch. “It's good that we're taking action”, says FSE director Bakir Bulić. “Year after year, we need to set aside around €300,000 for employee leave liability [out of a total annual budget of €65 million]. Over time, this amounts to a significant sum of locked funds. That said, it should be noted that growing staff numbers at the faculty are also contributing to the increase in total leave liability.” Let's start with the basics: as a university

employee working a 38-hour week, you are entitled to 152 “statutory holiday hours”. If you have unused leave on 31 December, it can be carried over to the following year, though it expires after six months. On top of that, the Collective Labour Agreement of Dutch Universities (CAO-NU) provides for additional “non-statutory holiday hours”. These can also be carried over, but by 1 July of the following year, you must have made agreements with your line manager on how you intend to use them. You then have five years to use them up.

#### Budget

To put things in perspective: Maastricht University has reserved over €30 million for employee leave in its budget for 2025. This is an increase from €20 million in 2020. Director of Finance Pascal Stevens estimates that 2025 “will see no increase for the first time in years”. On the one hand, staff numbers continue to grow, “which could push up the leave reserve”, but on the other hand, “line managers have been more proactive in encouraging employees to take the leave they are entitled to for their own wellbeing.”

Back to FSE. Young researchers in particular, full of ambition, tend to keep working without

taking leave, says Bulić. While this is partly due to work pressure, sometimes there's more to it. “They don't always know what they can do with their leave hours. But there are so many options available through the CAO's Employment Conditions Selection Model. You can use your hours to get a bike or a gym membership, for example, or exchange 38 holiday hours for an extra week's pay.”

#### A cultural thing

It's also a cultural thing, he adds. “Some international employees aren't used to requesting time off. They might think it's ‘not done’ or see it as something negative.” To some, it's also a barrier that they have to get the director to sign off on their Employment Conditions Selection Model form. In addition to the campaign stickers and posters, HR assistants will be visiting FSE employees both in Maastricht and on campuses like Chemelot in Sittard. “They'll check in with employees to see if they have any questions, concerns or requests. We hope it'll make a difference.”

Wendy Degens



## Innovation or Ruination?

“

Amidst an expansive Netflix watch history, there are few series which have truly resonated with me. One of these is *Black Mirror*, a show encapsulating the realities of a technology driven civilization. Set in the not-so-distant future, the episodes explore a flawed society, obsessed with the pursuit of scientific and technological advancement- and although the examples are undeniably abstruse, I was horrified to find them mirroring aspects of our own contemporary society. We're heavily reliant on electronics, artificial intelligence increasingly shapes our decisions, and our personal connections are suffering- bringing us dangerously close to dystopia. Let's examine Tesla's latest invention: the Optimus Robot. For 30,000 dollars, you can hire a mechanical assistant to assist with household chores, dog walking, and even babysitting. Now, whilst I find the bot's ability to carry out such tasks highly impressive, I also think we should ask ourselves whether delegating such responsibilities encourages a sedentary lifestyle. In other words, can we afford to facilitate an alleged biological tendency to be lazy? And if that isn't convincing enough, let's talk about the emotional bond your toddler might form with their robotic nanny. Not at all creepy, right? As for the cherry on top: imagine a doomsday scenario where the Optimus evolves past us and takes over; a risk that numerous sci-fi movies have warned us about (The film *I, Robot* is a fitting example). Apple's 'Vision Pro' is another invention surpassing the boundaries of technology, promising users what appears to be a seamless overlay of digital content and physical environment. In turn, users can interact with apps, media, and information in entirely new ways. Once more, an undoubtedly impressive, yet unnervingly dystopian invention. In fact, the first thought that comes to my mind is that we're taking the whole 'hiding behind a screen' thing too literally. But hey, as you strap a digital interface to your face, and substitute meaningful relations with screen-based interactions, at least you can watch videos in 3D, and browse several windows at once. Ultimately, I worry that as we advance technologically, we risk regressing humanly. And as much as I admire innovation, I believe we should stop and ask ourselves if humanity is a price we're willing to pay for convenience.

”

Robin van Wasen, student at UCM

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## series sing, fight, cry, pray, laugh, work and admire



/ Roel van Herpt  
(’s Hertogenbosch, 1982)

/ Director of Marketing  
& Communications

/ Relationship status:  
partner of Victoria; they  
have a son, Orris (3)

/ Lives in Amsterdam and  
Maastricht

Photo: Joey Roberts

“

When we sang “Long shall he live”,  
we couldn’t help but laugh,  
despite everything

”

**I’m the new Fons Elbersen.** I’m immediately reminded of an article in *NRC* (Dutch newspaper) about workplace behaviour, where a director introduces the new intern by saying, “This is the new Anne,” as if people are interchangeable. But everyone brings something unique to the table. I come from outside UM, having spent years working in the cultural sector. Fons, my predecessor and a former journalist, was very focused on media relations and did a fantastic job managing the cyber-attack. It was important to be transparent about what happened; I fully support that approach. However, media relations isn’t my speciality. We have three excellent team members for that. My background is in business administration, and I focus on strategic communication: how the university presents itself to the outside world, to potential students and staff. My goal is to shape that.

**My go-to order at the snack bar is...** Phew, I can’t remember the last time I went to a snack bar. Oh, wait, yes, it was in Maastricht, on a lovely evening the week before INKOM. My partner and I shared a paper cone of chips with *zoervleis* and Belgian mayonnaise from a place on De Kommel.

**What’s hard about love?** [Pauses] You have to keep talking to each other, keep communicating. That’s not always easy; sometimes you get too caught up in the daily grind. I live in Maastricht Monday to Thursday and work from home in Amsterdam on Fridays. I try to reserve weekends for family and friends. I don’t feel like I’m missing much by being away more often. When I’m with Orris, I give him my full attention. When I was self-employed, the lines between work and

personal life got incredibly blurred. Now, when I’m home, I’m truly present. And it’s quite refreshing to alternate between spending time with Victoria and Orris and having time to myself.

**What upsets you?** The current political climate, with its complete lack of empathy for others’ perspectives. Politicians who stoke conflict instead of resolving it, forgetting that they serve as role models, and preach values they don’t practise.

**When was the last time you laughed out loud?** Last weekend. My father was celebrating his 71st birthday with the whole family – my mother, brother, sisters, in-laws and seven grandchildren. It was his last birthday; he’s dying of a metastatic brain tumour. Everything feels heightened because of that. When we sang *Lang zal hij leven* [“Long shall he live”], we couldn’t help but laugh, despite everything. He laughed, too.

**What were you like as a child?** I was curious and sweet, and I loved playing football. I dreamt of going pro, but I wasn’t good enough. I realised that when I didn’t make the Under-10s first team. I come from a typical middle-class family. My parents ran a delicatessen. I’m the youngest by years – my sisters (identical twins) are six years older, and my brother is eight years older. Everyone was always busy, so I learnt to be self-reliant, deciding who to play with and where. We were independent from an early age, each carving out our own paths, but we’re there for each other when needed.

**The hardest part of my job is...** navigating an organisation that can be opaque. What I mean by that is that I’m not used to being responsible for things without having full control over them. For example, sometimes I have to deliver results without having a say in the budget.

**What would you change about yourself?** [Thinks] Honestly, nothing. I’m a content person. I’m learning a lot in this role. That’s been a recurring theme in my life: I’ve always sought out places and situations where I can learn a lot. I used to work in the cultural sector, where, just like at UM, the focus is very much on content. My clients were often small and working with limited budgets, so they were very creative and resourceful. I hope to bring some of that inventiveness to UM.

**What’s your greatest weakness?** Impatience. I have so many ideas and I want to get started on them right away, but I need to be patient and respect the fact that a university that has been around for almost fifty years has developed its own way of doing things. I’d like to make faster progress, for example when it comes to the website and other forms of digital communication. We’ve recently made improvements to the website, which I’m happy about, but there’s still a lot to do. I plan to bring in an external digital strategist. My patience is tested both at work and at home. If we oversleep and Orris needs to go to the babysitter, I’m in a rush, but try explaining that to a three-year-old who just wants to play with his toy cars. I prefer to live life on my own terms, but that’s just not how it works with a toddler, or [laughs] in an organisation with 4500 employees.

**Guilty pleasure?** I spent a year in Moscow (2013–2014, just before the annexation of Crimea) working as a research fellow in urban strategy at the Strelka Institute. I made lots of friends there and became fascinated by Russian culture. Here in the Netherlands, people seem very open but aren’t necessarily so. In Russia, it’s the opposite: once you get to know them, they truly open their hearts and homes to you. You get invited for home-cooked meals, have long conversations deep into the night, go out together... Since the war in Ukraine – which I strongly condemn – my fascination with Russian culture feels like a bit of a guilty pleasure.

Riki Janssen

Weekly personal interview with a student or employee

Twenty thousand demonstrate against cuts

# "I have three thousand reasons to be here"

An estimated 400 UM'ers were part of over twenty thousand people gathered on the Malieveld on Monday to demonstrate against the cuts in higher education. Opposition parties announced that they would vote against the budget if the proposed plans were not dropped, but Minister of Education Bruins has yet to be impressed.

"There he is, in the red scarf." It is 8:45 in the morning and dozens of students and staff members have gathered at Maastricht Station to travel to The Hague by train. The rest of them will be on the three coaches that the Faculties of Arts and Social Sciences and Psychology and Neuroscience, and the School of Business and Economics have organised, or will be catching the later train at 9:29. It turns out that last group is unlucky. Train cancellations and other delays mean that they won't arrive until half an hour after the first speaker has taken to the stage.

That's not a problem the early birds face. "Actually, I just wanted to grab a quick bite," one of them says when they get to the Malieveld at 12:00 – an hour early. The group, made up mostly of FASoS folks, including dean Christine Neuhold, has a better idea. They walk to a small café where some colleagues who travelled independently are already seated, having lunch together. Janosch Prinz, lecturer in social and political philosophy, doesn't join them. As a member of WO in Actie, he is also involved in the national committee and so immediately goes in search of the stand that has just been put up on the Malieveld – organising unions



AOb and FNV are also present, as is a chip van. He's hoping for solidarity among all the universities and disciplines, he said on the train earlier. "Also from those hit less hard." "The right time for revolution is right now," come the words of singer Benjamin Fro on stage. However, the field is not yet ready. It's almost 13:00, the speakers are ready to start and people are wandering about, calling their friends to find them, or quickly finishing their sandwiches. The UM delegation is also trying to find each other, with mixed results. "We're to the left of the camera tower," reads the message in the WhatsApp group, complete with a picture of the location. Head of FPN Cerien Streefland leads a group of psychologists in green AOb caps. The fact that board members are demonstrating alongside teachers and students – such as Maastricht Executive Board members Rianne Letschert and Jan-Tjitte Meindersma – is highlighted by various speakers. It's noteworthy, they say, as is the support of umbrella organisations Netherlands Association of Universities of Applied Sciences and Universities of the Netherlands. "That's how you know you've really gone too far," jokes presenter Jens Bosman. It is great, thinks the Maastricht contingent, but that isn't what draws the loudest

cheers. Those are reserved for anyone who denounces the 'langstudeerboete' – the penalty incurred for taking too long to complete a degree –, for FNV director Bas van Weegberg, who is a champion of the right to demonstrate ("Stop casting suspicion on and criminalising peaceful demonstrators"), and professor Ingrid Robeyns (WOinActie), who bids international colleagues welcome in English.

Astonished mumbling can be heard when Bosman announces that "there aren't 10 thousand, nor even 15 thousand, but 20 thousand people gathered here today". That announcement is subsequently drowned out by chants of "Vote it out" and "Stop the Eppocalypse". Party leaders of SP, D66 and GroenLinks/PvdA are the next to take to the stage and promise to vote against the education budget if the proposed cuts are left intact. Their alternative proposals – various amendments have been submitted to reduce the cuts across the education sector from 2 billion to 1.3 billion euros, or even to get rid of them completely – are met with loud cheers, although WO in Actie member Prinz remarks that they will need time to examine them in detail.

At about 14:30, the protest march past the Ministry of Education begins. The UM'ers quietly join along with the mass of people. Two students, who were also at the dem-



onstration in Maastricht at the Vrijthof on 14 November, are carrying a sign that reads 'Without education we need a function elsewhere', a reference to the scandal in 2021 surrounding then-CDA party member, now-NSC party leader Omtzigt and the phrase 'functie elders'. "I have three thousand reasons to be here," says one of them. If they can't graduate before it is introduced, both would be hit by the penalty for delayed graduation. "Because I had some health issues and spent a year as a student board member," says the other. They are angry that other young people might choose not to study at all as a result. "That's why I was pleased to see a sign by students from vocational colleges. We're all involved." When the march reaches the ministry building, there are police officers outside the entrance to prevent demonstrators from entering the building. Nobody even makes an attempt to. They do, however, chant as loudly as they can: "Fight, fight, fight, education is a right." It doesn't seem to have made an impression. Minister of Education Bruins is in Brussels today. In a reaction later he expresses that while he understands the frustration, "the financial decisions of the cabinet remain".

Cleo Freriks, with contribution from  
Lena Reichel



## South Limburg was once teeming with wealthy Romans

“THE EARTH HERE STILL HOLDS  
SO MANY ROMAN SURPRISES”



South Limburg boasts a rich Roman history, much of which remains undiscovered. Could this present an opportunity for Maastricht University? “It’s an ideal location for further research.”

Text: Dennis Vaendel

Maastricht and Heerlen take pride in their Roman origins – Mosa Traiectum and Coriovallum were important settlements in the northern reaches of the Roman Empire some 2000 years ago. A lesser-known fact is that the entire region of South Limburg has a rich Roman past. “Rich in two senses of the word: not only because of the sheer number of archaeological finds, but also because a lot of wealthy Romans lived here”, explains Jasper de Bruin, an archaeologist and curator of the permanent exhibition *The Netherlands in Roman Times* at the National Museum of Antiquities (RMO) in Leiden. In the heyday of Roman South Limburg, the river Meuse was an important thoroughfare and a major road, later called the *Via Belgica*, ran through the region as well. Legions marched along this road towards the *limes*, the northern frontier of the Roman Empire along the Rhine River. This was where Roman expansion into Europe was halted by fierce resistance from Germanic tribes east of the river. To defend the border, Rome stationed troops along the entire length of the Rhine, from Cologne to Katwijk – and all these soldiers needed food.

### IDEAL

With its fertile soil, on which grain grew abundantly, and proximity to the Rhine basin, South Limburg was ideal for meeting this need. The demand was so great that many farms in the area grew into *villae rusticae*, sprawling estates with fields, vegetable gardens, workshops, stables and storage buildings. In addition to the wealthy estate owners’ luxurious villas, often featuring bathhouses and modern conveniences like underfloor heating and glass windows, there were

accommodations for (sometimes enslaved) farm labourers and their families.

De Bruin estimates that South Limburg once boasted hundreds of these Roman villas, yet relatively little is known about them. “Only about 25 have been excavated, often without modern techniques, which limits our knowledge.” The majority of these excavations took place in the second half of the 19th century and the first half of the 20th century, when there was a surge of interest in the region’s Roman heritage. Initially, excavating villas was a hobby for affluent people like schoolmasters, chaplains and doctors, assisted by local youth. In the early 20th century, RMO researchers also got involved. However, little remains of their efforts today: all sites were reburied to allow farmers to resume using the land. What survives are old descriptions – some unpublished – gathering dust in archives, while many of the finds have disappeared into museum storage.

### SCHOOLMASTERS AND CHAPLAINS

By the mid-20th century, most of this (often expensive) research had come to a standstill. An exception occurred in 2002, when an entire villa was excavated at Holzkuij in Kerkrade. “But that was the last large-scale excavation. Virtually no fieldwork has been conducted since”, says De Bruin, who participated in the Holzkuij excavation as a student. In recent years, however, there has been a resurgence of interest in this kind of research. For example, the RMO, Limburgs Museum in Venlo and Roman Museum (formerly Thermenmuseum) in Heerlen, together with the Cultural Heritage Agency of the Netherlands, brought together



Impression of a Roman villa in South Limburg  
Photo: Mikko Kriek

thousands of artefacts and historical documents for extensive analysis. This unique collaborative project resulted in several publications and a travelling exhibition (see postscript).

### UNEXPECTED FINDS

De Bruin hopes this is just the beginning. “There’s still so much to discover. Modern techniques can yield far more information. And there are hundreds of sites where we suspect villas are buried.” Abundant archaeological finds in the nearby lignite mines across the German border show how densely populated this region must have been. “There’s so much potential for new research. You’re guaranteed to find something, and it could be something truly unexpected.” Previous excavations have already revealed the expensive tastes of the wealthy villa owners who lived here. They showed their social status through distinctive architecture, murals, sculptures and art. “Unique objects have been found here – fine glassware, amber jewellery, an Egyptian instrument... These people were on par with the richest in the empire.”

Perhaps the most striking finds are ash chests: large, elaborately decorated sandstone chests used for burying prominent individuals. “They’ve been found almost nowhere else in the Netherlands, but at least fifteen have been discovered in South Limburg”, says De Bruin. “It got to the point where people began to take them for granted and mostly disregarded them. Many of these ash chests have only recently been examined in depth, revealing that they often belonged

to women. This tells us something about society at the time – it appears as though women held considerable status. There’s evidence that suggests they may have been villa owners in their own right, not merely ‘the wife of.’” De Bruin expects that further research will unearth many more ash chests.

### OWN BACKYARD

But who will carry out this research? According to De Bruin, few archaeologists in the Netherlands focus on the Roman period. “And those who do often head to Italy to conduct research there. But there are so many riches to be found in our own country. And there’s actually a greater urgency here, where remains are often located in inhabited areas. They lie close to the surface, sometimes no more than a few centimetres deep, making them susceptible to damage, such as from ploughing.”

De Bruin sees an opportunity for Maastricht University. “A lot is already being done in Limburg to attract tourists by showcasing the region’s Roman past, like the Via Belgica walking routes. But there’s still so much potential from an academic perspective. No targeted research has ever been conducted. Establishing a chair at UM would be a great step and makes more sense in Maastricht than, say, Amsterdam. It’s part of the region, research in your own backyard – and just across the border, in Germany and Belgium, more treasures await.”

Besides, De Bruin points out, such research wouldn’t necessarily require ‘traditional’ archaeological tools like trowels

and excavators. Why not leverage existing expertise at the Faculty of Science and Engineering, for example, like in the field of data science? “You could use drone and satellite imagery to locate villas in fields. Grass above buried structures dries out faster in dry periods and grows more slowly in wet periods, as the roots can’t penetrate as deeply. Over the course of a year, the resulting colour differences can reveal the contours of a building.”

Geophysical research methods could then provide further details. “You send electrical currents into the ground and measure how they bounce back from solid objects like walls, kilns and roof tiles. And in winter, after the harvest, you could look for pottery shards in ploughed-up fields, which can be used to date the site. Sometimes you can create full reconstructions without even putting a spade in the ground. It’d be a fantastic project for students.” And there are plenty of undiscovered sites to go around. “There’s enough to find here to keep researchers busy for decades.”

## ROMAN MAASTRICHT

In addition to the villas in the Dutch Hills of South Limburg, a wealth of partly undiscovered Roman treasures lie beneath the city of Maastricht itself, says Jasper de Bruin. The Op de Thermen square in the Stokstraatkwartier district, for example, is named after a Roman bathhouse uncovered there in the 1960s and subsequently reburied. “We know some of its walls still stand a metre high, and the underfloor heating system is still intact. And at the location of the old Roman bridge near the modern Sint Servaasbrug, inscribed stone blocks still lie on the Meuse riverbed.”

And more surprises could yet emerge. “I suspect Roman Maastricht was larger than commonly assumed. Finds like a monumental gate to a shrine (found under the current Hotel Derlon), suggest it may have resembled larger cities of the time, like Tongeren and Heerlen.” Investigating these remains will be challenging, as they are buried metres beneath the modern city. “But targeted research is always an option, such as before constructing new buildings.”



Excavation of Roman remains in Heerlen in 1920  
Photo: Thermenmuseum

The Roman villas in Limburg exhibition showcases the most significant Roman villa finds from South Limburg. Previously shown at the RMO in Leiden, the exhibition is now at the Limburgs Museum in Venlo, where it will run until 11 May 2025. It will then move to the Roman Museum in Heerlen.

## background

Lawyer Jana Nysten examined climate law suits around the globe

## “Law suits are not a magic bullet”

*Climate law suits have been on the rise for years, but what can those cases actually achieve when it comes to cutting the emission of greenhouse gases? That is the question that German lawyer Jana Nysten has been examining over the past few years in her doctoral thesis.*

Nysten was inspired by the controversial case brought against the Dutch government by the Urgenda Foundation, a climate action group, together with nearly 900 citizens. According to them, the government was acting unlawfully by not sufficiently implementing climate policy. The case went all the way to the Dutch Supreme Court, which in December 2019 ruled in favour of Urgenda: the Dutch government had to reduce emission of greenhouse gases by 25 percent compared to 1990.

“This was by no means the first or most interesting climate case, but it was the first to have such widespread media attention,” says Nysten, who has been researching laws around energy and the climate with the German Umwelten-ergierecht foundation since 2019. “Colleagues would constantly ask me questions about the case, because I am well versed in Dutch law.” To be expected, as she did study law at Maastricht University fifteen years ago. “All those questions made me want to know everything about

climate cases. I thought, this is a topic for a PhD.” And so she turned thought into action, with excellent results: last Tuesday, she was back in Maastricht as an external PhD candidate to defend her doctoral thesis.

Her primary research question: what can we expect from such cases? While proponents view them as an ideal means to force politicians and companies to take action, opponents feel that it is not in the judges’ remit to lecture the government. After all, it is up to politicians to set policy. “There are many strong opinions, in academia, too, but I wanted to look at it from a neutral perspective. Courts have the power to interpret laws. How far can they take that power, where is the line?” In order to find out, Nysten explored the literature and examined cases from around the world.

**Interpretation**

Her first conclusion was that there is definitely room for interpretation. “For example, a civil law that states you cannot cause harm to others. Would that be considered the case if you don’t do anything to prevent climate change and there are serious consequences as a result? Broadly formatted laws are often not clear on that issue.” In other words, climate law suits are justified. But has anybody actually succeeded in changing anything yet? “There is no simple

answer to that question. After all, that differs per country and per case.” So Nysten divided cases into four categories, each with their own opportunities and shortcomings.

First, the cases brought against states, through an international court or tribunal. In those cases, the autonomy of nations may be a limiting factor, says Nysten. “For example, in 2022, the United Nations Commission on Human Rights ruled that Australia – which produces a lot of greenhouse gas emissions – had failed to protect the inhabitants of the islands in the Torres Strait against the consequences of rising sea levels. The judgement was received with much enthusiasm but ultimately changed very little. Australia acknowledges it has a duty to protect the islanders, but refuses to pay any compensation. And that’s legal, because the UN commission has no means to force a country to pay.” International institutions always have to find a balance. “They want to make a point, but not be so firm that a state refuses to abide by the ruling.”

**Success**

The other three categories are at a national level: cases against judicial powers, executive powers, or private companies. In all three cases, the degree of success depends on the prevailing view on the separation of powers in a coun-

try, says Nysten. “That can vary widely, and public opinion also plays a huge role. There are examples in Pakistan and India where we might feel the judges went too far, but many citizens aren’t worried, as confidence in the judges there is generally high, and confidence in politicians very low. Almost the opposite can be seen in the United States nowadays: people there are less likely to trust the Supreme Court and it is more easily accused of making – and thus no longer simply interpreting – the laws.” Although Nysten does see more potential in cases against the government than against private companies, such as the recent case of Milieudéfense v Shell. “It is something of a deviation. You can’t trust in it entirely. Politicians might think, ‘Hang on, we’re the ones who tell companies what they can and can’t do’ and change the law.” Nevertheless, companies can start to bear it in mind. “These cases can take years and they do come with financial risk. There may come a time when a company might prefer not to get burned by the consequences.” In other words, law suits are not a “magic bullet” for combatting climate change, concludes Nysten. “They’re just one part of a larger puzzle.”

Dennis Vaendel



Maastricht University

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## Agenda academic ceremonies Aula Minderbroedersberg 4-6

28-11, 10.00h Tiantian Wang	04-12, 13.00h Lydie Marie Odette Barbeau	10-12, 15.45h Francesca Perin	16-12, 10.00h Roderick Hubertus Maria
28-11, 13.00h Jennifer McDonald Double	04-12, 16.00h Max Guillaume Mentink	Double Doctoral Degree	Josephina Stassen
Doctorate Degree Maastricht	05-12, 10.00h Johanna Rutten	Maastricht University –	16-12, 15.45h Yan Sun
University – Western Sydney	05-12, 13.00h Vivian de Gier	University of Trento	16-12, 16.00h Tianyu Zhang
University	05-12, 16.00h David James Mark Barnett	10-12, 16.00h Jeremy Miguel Basset	17-12, 10.00h Armen Torchyan
28-11, 16.00h Ahmad Malkawi	06-12, 10.00h Renee Jolenta Catharina van den	Sagarminaga	17-12, 13.00h Cas van Cruchten
29-11, 10.00h Olesia Nikulina	Broek	11-12, 10.00h Ben Rombaut	17-12, 16.00h Ankita Das
29-11, 13.00h Merel Margaretha van der Thiel	06-12, 13.00h Elisabeth Reinilids Maria van	Double Doctoral Degree	18-12, 10.00h Martine Janine Verwoerd
29-11, 16.30h Dr. Maja Brkan inauguratie	Haaren	Universiteit Hasselt/tUL en	18-12, 12.45h Fang Wang
02-12, 10.00h Haidong Fang	06-12, 16.00h Sophie Ilse Julia van Bakel	Universiteit Maastricht	18-12, 13.00h Johannes Beyers Louw
02-12, 13.00h Lisanne Steijvers	09-12, 13.00h Michael Brunner	11-12, 13.00h Monique Engel	18-12, 16.00h Ikuro Shimizu
02-12, 16.00h Constanta Rosca	09-12, 15.45h Jian Liu	11-12, 16.00h Sander Puts	19-12, 09.45h Abdulmohsen Hamdan
03-12, 10.00h Isabeau Vermeulen	09-12, 16.00h Ute Linnenkamp	12-12, 10.00h Raquel Tebaldi	Alzalabani
03-12, 12.45h Lotte Meert	Double Doctoral Degree	12-12, 12.45h Shengshi Huang	19-12, 10.00h Rawan Alnazer
Double Doctorate Degree	Maastricht University –	12-12, 13.00h Selena Nassif Odeh Odeh	19-12, 13.00h Gregory Patrick Veldhuizen
Maastricht University –	Heinrich-Heine-University	12-12, 16.00h Borek Foldyna	19-12, 16.00h Prof. dr. Peter Steijlen
University of Antwerp	Düsseldorf	13-12, 10.00h Hanna Sophie Honcamp	afscheidcollege
03-12, 13.00h Romy Richter	10-12, 10.00h Carlotta Micaela Jarach	13-12, 12.45h Mengying Li	20-12, 10.00h Erdem Onan
03-12, 16.00h Lars Mischa Marlie Vliex	10-12, 12.45h Musa Ahmed Idris	13-12, 13.00h Deepak Balamurali	20-12, 13.00h Alfonso Raúl Aranda Hernández
04-12, 10.00h Carolien Karin Maria de Jonge -	10-12, 13.00h Veja Widdershoven	13-12, 16.00h Wesley Joseph Hendrikus	20-12, 16.00h Danique Heuvelings
Vermeulen		Hermans	