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Evaluation Monumentenwet BES

Final report

Ministry of Education, Culture and Science

Rotterdam, March 2026

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Rotterdam, March 2026

Michel Briene (Ecorys)
Elvira Meurs (Ecorys)
Eline Punt (Ecorys)
Lyongo Juliana (Lyongo Architecture)

PUN/RG 1007037rap

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List of abbreviations

Abbreviation	Description
BES	Abbreviation used to refer to Bonaire, St. Eustatius and Saba in legislation
BONAI	Bonaire Archaeological Institute
DCDC	Department of Community Development and Culture (Saba)
DCE	Department of Culture and Events (St. Eustatius)
ENI	Directorate of Economy, Nature & Infrastructure (St. Eustatius)
FuHiKuBo	Bonerian Historical and Cultural Foundation
NAAM	National Archaeological–Anthropological Memory Management
NRF	National Restoration Fund
R&O	Directorate of Spatial Planning & Development
RCE	Cultural Heritage Agency of the Netherlands (RCE)
SDPCN	Spatial Development Programme for the Caribbean Netherlands
ROB	Spatial Development Plan Bonaire
RPE	Regeling Periodiek Evaluatieonderzoek
SCP	Netherlands Institute for Social Research (SCP)
SECAR	St. Eustatius Center for Archaeological Research
SIM	Subsidieregeling instandhouding monumenten
VRO	Ministry of Housing and Spatial Planning

Nederlandse samenvatting

Aanleiding

De Tweede Kamer heeft de regering in november 2023, via de motie Wuite, opgeroepen om de werking van de Monumentenwet BES te evalueren. De aanleiding voor de evaluatie is dat deze wet sinds de invoering in 2010 nog nooit is geëvalueerd. Daarnaast zijn er in de praktijk verschillen ontstaan tussen de erfgoedzorg in Caribisch Nederland (via de Monumentenwet BES) en Europees Nederland (via de Erfgoedwet), bijvoorbeeld op het gebied van financiële ondersteuning, de manier van aanwijzen van monumenten en de uitvoering van de wet.

Doel en onderzoeksvragen

De evaluatieperiode van de Monumentenwet BES beslaat de jaren vanaf de invoering van de wet in 2010 tot en met 2024. In deze periode wordt teruggekeken op de werking van de wet, de uitvoering door de betrokken partijen en de resultaten op het gebied van monumentenzorg op Bonaire, St. Eustatius en Saba. De evaluatie is bedoeld om de behoeften, wensen, knelpunten en kansen die spelen met betrekking tot de Monumentenwet BES in de periode 2010-2024 in beeld te brengen. De evaluatie richt zich daarom zowel op het verleden als op de huidige situatie en toekomstige wensen en behoeften. Dit sluit aan bij het bredere traject ‘Erfgoed en Overheid’ - deeltraject Caribisch Nederland, waarbij ook, beperkt, middelen beschikbaar zijn voor verbetervoorstellen die uit de evaluatie voortkomen. Bij aanvang van de evaluatie zijn onderzoeksvragen geformuleerd. Verderop in deze samenvatting worden deze beantwoord.

Methodiek

In de eerste fase zijn via deskstudie en verkennende interviews vanuit Nederland de achtergrond en werking van de Monumentenwet BES in kaart gebracht en is de verdere dataverzameling voorbereid. Deze fase sloot af met een inceptierapport met de eerste bevindingen. Deze is besproken met de begeleidingscommissie. Daarna zijn in de tweede fase op Bonaire, Sint Eustatius en Saba en in de landen Curaçao, Aruba en Sint Maarten en in Europees Nederland interviews gehouden. In totaal zijn 58 verdiepende interviews gehouden. Van deze gesprekken zijn verslagen gemaakt die vervolgens zijn gecodeerd en geanalyseerd met behulp van het SCP-model (structure–conduct–performance) en aangevuld met uitgangspunten uit de Regeling Periodiek Evaluatieonderzoek (RPE) van het Rijk.

Beperkingen aan het onderzoek

Er is op deze wijze een breed beeld verkregen van de werking, knelpunten en kansen van de wet. Tegelijkertijd zijn er ook kanttekeningen bij de methodiek te plaatsen. Zo bleek al tijdens de deskstudie dat op sommige eilanden actuele en volledige documentatie van monumenten en monumentenbeleid ontbreekt, waardoor het lastig is om een volledig en betrouwbaar beeld te krijgen met name over het verdere verleden. Ook zijn wij ons er van bewust dat de evaluatie naast een deskstudie voornamelijk gebaseerd is op interviews met betrokkenen. Dit betekent dat de resultaten deels afhankelijk zijn van persoonlijke ervaringen, percepties en herinneringen, die subjectief kunnen zijn en niet de volledige evaluatieperiode kunnen afdekken. Als laatste willen wij meegeven dat door verschillen in de context, beleid en uitvoering een vergelijking tussen de situatie in Europees Nederland, de eilanden Bonaire, Sint Eustatius en Saba en de andere landen binnen het Koninkrijk (Curaçao, Aruba en Sint Maarten) soms lastig te maken is.

Bevindingen

Navolgende tabel geeft op hoofdlijnen de bevindingen weer van de evaluatie voor Bonaire, Saba en Sint Eustatius.

	Bonaire	Saba	Sint Eustatius
Werking van de wet	De uitvoering van de wet ligt grotendeels stil door gebrek aan capaciteit, middelen en actieve monumentenraad. Monumentenregister is niet publiek toegankelijk. Erfgoed wordt deels via ruimtelijke ordening geborgd.	Wet en verordening worden nog niet toegepast; monumentenzorg in opstartfase. Werkgroep bezig met oprichting monumentenraad en inventarisatie.	Wet is in het verleden gedeeltelijk uitgevoerd, vooral voor gebouwde monumenten. Op dit moment is er geen actieve monumentenraad, beperkte registratie en hierdoor onduidelijkheid over het aantal monumenten.
Knelpunten in de uitvoering	Ontbreken monumentenraad. Onvoldoende capaciteit, middelen en kennis. Beperkte capaciteit en expertise. Geen structurele financiering. Onduidelijkheid over definities en procedures.	Monumentenraad in oprichting. Geen beschermde monumenten aangewezen. Onzekerheid over definities ‘monument’. Beperkte capaciteit- en expertise. Geen structurele financieringsmogelijkheden voor particulieren. Onduidelijkheid over consequenties monumentenstatus voor particulieren.	Ontbreken monumentenraad. Onduidelijkheid over definities en aantal monumenten. Eigenaren zijn waarschijnlijk niet geïnformeerd over de monumentale status van hun pand. Geen structurele financiering. Beperkte capaciteit en expertise. Beperkte samenwerking tussen afdelingen.

	Bonaire	Saba	Sint Eustatius
Resultaten	25 beschermde monumenten en 637 beschermingswaardige objecten[1] en 2 beschermde stads-/dorpsgezichten Aanwezigheid archeologische waardekaart en landschapsbiografie. Slechte onderhoudsstaat van monumenten.	0 beschermde monumenten, er is wel een conceptlijst van 10 potentiële monumenten Aanwezigheid archeologische verwachtingskaart Landschapsbiografie wordt opgesteld. Slechte onderhoudsstaat van potentiële monumenten.	11 beschermde monumenten[2] en een lijst met beschermingswaardige objecten[3] En 1 beschermd stads-/dorpsgezicht Aanwezigheid archeologische waardekaart Landschapsbiografie wordt opgesteld Slechte onderhoudsstaat van (potentiële) monumenten
Toekomst-perspectief	Verbetering mogelijk door: structurele financiering, duidelijkheid over definities en procedures, vergroten capaciteit en kennis bij de overheid, meer samenwerking, erfgoededucatie en bewustwording.	Er is opbouw van structuur en capaciteit nodig. Daarna starten met eenvoudige aanpak en die geleidelijk uitbreiden. Er is daarnaast behoefte aan herziening van de wet op verschillende onderdelen en structurele financiering voor onderhoud.	Herstart nodig: monumentenraad opnieuw inrichten, registers actualiseren, eigenaren informeren, meer samenwerking en de beschikbaarheid voor structurele financiering voor onderhoud.

1 De lijst met beschermingswaardige gebouwen is als bijlage toegevoegd aan het ruimtelijk ontwikkelplan, zie: https://bonaire-ro.nl/wp-content/uploads/2018/08/Bonaire-geconsolideerd-2018-Bijlagen.pdf. Uit de interviews blijkt dat deze lijst recent is geactualiseerd en uitgebreid tot ruim 800 beschermingswaardige objecten. Deze lijst is bij het verschijnen van het voorliggende rapport nog niet gepubliceerd, waardoor wij op moment van schrijven zijn uitgegaan van de oorspronkelijke lijst.

2 Op Sint Eustatius bestaat onduidelijkheid over het exacte aantal officieel beschermde monumenten (zie pagina 54). Uit gezamenlijk onderzoek van het Openbaar Lichaam Sint Eustatius (OLE) en de Rijksdienst van Cultureel Erfgoed (RCE) komt naar voren dat er 11 beschermde monumenten zijn, waarvan de aanwijzingen van vier beschermde monumenten zijn gepubliceerd.

3 De lijst met beschermingwaardige objecten is als bijlage toegevoegd aan het ruimtelijk ontwikkelplan, zie: https://www.statiagovernment.com/fileadmin/Files/Documents/Ordinances/2024/A.B._2024_no._03_Afkond_ROP_Eux_2023__1___1_.pdf

Conclusies

Conclusie 1: De wet biedt een juridische basis, maar de uitvoering hapert door gebrek aan capaciteit, middelen en kennis.

Hoewel de wet op papier een stevige juridische basis biedt en voldoende ruimte laat voor lokale invulling via de monumenten-eilandsverordeningen, blijkt de uitvoering in de praktijk op alle drie de eilanden te haperen. Een belangrijk knelpunt is het ontbreken van actieve monumentenraden, waardoor er sinds jaren geen nieuwe monumenten worden aangewezen. Ook zijn de bestaande registers verouderd, onvolledig en niet openbaar of lastig toegankelijk. Dit leidt tot onduidelijkheid over welke objecten daadwerkelijk wettelijk beschermd zijn. Daarnaast is sprake van een structureel tekort aan uitvoeringscapaciteit, kennis van de Monumentenwet BES en middelen bij de lokale overheden. Dit resulteert in onvoldoende toezicht en handhaving, waardoor veel monumenten en beschermingswaardige objecten in slechte staat verkeren of zelfs verloren zijn of verloren dreigen te gaan. Het ontbreken van structurele financieringsmogelijkheden, zoals subsidies of laagrentende leningen voor particuliere eigenaren, wordt breed als een gemis ervaren en ondermijnt het draagvlak voor het aanwijzen, behouden en onderhouden van beschermde monumenten bij particuliere eigenaren.

Conclusie 2: Er is op de eilanden ook behoefte aan heldere definities en transparante procedures vanuit de wetgeving

Op de eilanden bestaat duidelijke behoefte aan heldere definities en transparante procedures in de wetgeving, omdat in de praktijk veel onduidelijkheid heerst over wat precies onder een monument wordt verstaan en welke objecten daadwerkelijk beschermd (kunnen) zijn. Hierbij wordt vaak benoemd dat de definities in artikel 1 van de Monumentenwet BES als te beperkt of verouderd worden ervaren, bijvoorbeeld door het hanteren van de termijn van vijftig jaar en het ontbreken van aandacht voor bepaalde erfgoeddomeinen zoals maritiem erfgoed, landschapselementen en immaterieel erfgoed. Daarnaast wordt aangegeven dat de procedures rondom aanwijzing, registratie en bescherming van monumenten niet altijd duidelijk zijn voor betrokkenen, mede doordat registers verouderd of niet publiek toegankelijk zijn. Ook wordt er op gewezen dat er geen interbestuurlijk toezicht in de wet geregeld is. Deze onduidelijkheden belemmeren niet alleen de uitvoering van de wet, maar zorgen er ook voor dat eigenaren en andere betrokkenen onvoldoende weten waar ze aan toe zijn en welke rechten en plichten ze hebben. Daarom wordt in deze evaluatie gepleit voor het verbreden en verduidelijken van definities en het transparanter maken van de procedures in de wetgeving.

Conclusie 3: Bonaire, Saba en Sint Eustatius kunnen niet als één homogene groep worden beschouwd

De lokale invulling van de monumentenzorg verschilt op Bonaire, Saba en Sint Eustatius. Bonaire heeft bijvoorbeeld naast een lijst met een beperkt aantal officieel beschermde monumenten ook een veel uitgebreidere lijst van beschermingswaardige objecten, terwijl op Saba de monumentenzorg nog in de opstartfase zit en er nog geen monumenten zijn aangewezen. Op Sint Eustatius zijn wel monumenten aangewezen, maar is er onduidelijkheid over het aantal beschermde monumenten omdat de registers verouderd zijn. Daarnaast verschillen de eilanden in bestuurlijke prioriteiten, beschikbare capaciteit en mate van maatschappelijk draagvlak. Deze verschillen maken duidelijk dat monumentenzorg in de praktijk op elk eiland anders uitpakt en andere knelpunten en behoeften kent. De naamgeving “BES” in de Monumentenwet BES suggereert overigens meer onderlinge verbanden dan dat

er daadwerkelijk aanwezig zijn. De eilanden kennen grote culturele en geografische verschillen: Bonaire ligt bijvoorbeeld 1.000 kilometer van Saba en Sint Eustatius en er zijn duidelijke verschillen in taal (Papiamentu op Bonaire, Engels op Saba en Sint Eustatius), geschiedenis en identiteit. Dit pleit ervoor om de term BES te vervangen door de naamgeving van de eilanden. Dit wordt ook zo gevoeld op de eilanden.

Conclusie 4: Verschil met wetgeving in Europees Nederland is met name de integraliteit en de financieringsmogelijkheden

In Europees Nederland is de bescherming van erfgoed geregeld via de Erfgoedwet en de Omgevingswet, die een integraal en actueel kader bieden voor zowel monumenten, archeologie als museale objecten. Hierin heeft het Rijk een actieve rol en wijst rijksmonumenten aan. Er is een breed scala aan financieringsopties voor eigenaren van rijksmonumenten, waaronder subsidies zoals de Subsidieregeling instandhouding monumenten (SIM) en de Subsidie woonhuismonumenten (woonhuissubsidie). Gemeenten (en provincies) zijn in Europees Nederland verantwoordelijk voor het aanwijzen van gemeentelijke (en provinciale) monumenten en het opstellen van verordeningen, met ondersteuning vanuit het Gemeentefonds. In Caribisch Nederland zijn deze financieringsopties van de Erfgoedwet niet van toepassing. De Monumentenwet BES biedt minder structurele financiële ondersteuning. Beschikbare leningen via het Nationaal Restauratiefonds (NRF) zijn incidenteel en op dit moment alleen gericht op zakelijke eigenaren, terwijl particuliere eigenaren slechts beperkt toegang hebben tot fiscale voordelen vanwege het veelal ontbreken van een officiële monumentenstatus en onvoldoende inkomen hebben om gebruik te maken van leningen of belastingaftrek.

Conclusie 5: De wettelijke kaders in de landen Curaçao, Aruba en Sint Maarten zijn vergelijkbaar, maar de uitvoering verschilt

In de landen Curaçao, Aruba en Sint Maarten zijn vergelijkbare wettelijke kaders aanwezig als op Bonaire, Sint Eustatius en Saba, met eigen monumentenverordeningen en -raden. Op Curaçao en Aruba wordt de uitvoering versterkt door actieve stichtingen en fondsen die zich richten op restauratie, beheer en bewustwording. De effectiviteit hiervan hangt echter sterk af van de beschikbare lokale capaciteit, bestuurlijke betrokkenheid en beschikbare financiële middelen. Sint Maarten blijft op het gebied van monumentenzorg achter bij Curaçao en Aruba en is de uitvoering van monumentenzorg de laatste jaren beperkt, mede door het ontbreken van een actieve monumentenraad en een monumentenfonds.

Conclusie 6: Het uitbreiden van de werking van de Erfgoedwet naar Caribisch Nederland kent zowel voordelen als nadelen

Enerzijds zou aansluiting bij de Erfgoedwet kunnen zorgen voor meer duidelijkheid in definities, betere toegang tot structurele financieringsmogelijkheden (zoals de SIM-subsidie en de woonhuissubsidie) en bijdragen aan een gelijk speelveld voor monumenteneigenaren in Caribisch en Europees Nederland. Ook zou het toezicht en de handhaving professioneler kunnen worden ingericht en kunnen kennis en expertise uit Europees Nederland beter worden benut. Anderzijds zijn er zorgen dat volledige toepassing van de Erfgoedwet te complex en bureaucratisch zou zijn voor de schaal en context van de BES-eilanden, waar de uitvoeringscapaciteit beperkt is en de lokale autonomie belangrijk wordt gevonden. Een alternatief zou daarom kunnen zijn om niet de hele Erfgoedwet van toepassing te verklaren, maar wel bepaalde onderdelen of definities over te nemen en de financieringsmogelijkheden open te stellen voor Caribisch Nederland. Dit zou kunnen bijdragen aan een betere bescherming van het erfgoed, zonder de lokale context en uitvoerbaarheid uit het oog te verliezen.

Conclusie 7: Een solide juridisch kader alleen is niet genoeg; praktische uitvoeringskracht, financiering en lokale betrokkenheid zijn essentieel

De Monumentenwet BES biedt een juridische basis, maar stokt op dit moment in de uitvoering door gebrek aan capaciteit, middelen en kennis. Functionerende monumentenraden ontbreken op alle drie de eilanden, registers op Bonaire en Sint Eustatius zijn verouderd en er is onduidelijkheid over wat beschermd is. Er is behoefte aan heldere definities en transparante procedures vanuit de wet. De financieringsmogelijkheden voor monumenten op Bonaire, Sint Eustatius en Saba zijn daarnaast zeer beperkt. Effectieve monumentenzorg op de eilanden vraagt om actieve uitvoering, structurele financiering en maatwerk per eiland.

Overwegingen

In deze evaluatie hebben we los van de aanbevelingen een drietal overwegingen geformuleerd, waarover vanuit beleid een beslissing kan worden genomen. Deze besluiten zijn essentieel voor de vraag hoe het erfgoedbeleid op Bonaire, Saba en Sint Eustatius wordt vormgegeven.

Overweging 1: Bepaal of cultureel erfgoed binnen Caribisch Nederland een Rijksaangelegenheid betreft

De eerste overweging is of er een gedeeld beeld is dat het behouden van erfgoed (en hierbinnen monumenten) inderdaad een Rijksaangelegenheid betreft en dus niet enkel aan de eilanden kan worden overgelaten.

Veel monumenten en ander cultureel erfgoed op Bonaire, Saba en Sint Eustatius zijn van grote cultuurhistorische waarde en zij maken deel uit van de gedeelde geschiedenis van de bevolking van de eilanden en (hiermee) van het Koninkrijk der Nederlanden. Vanuit deze optiek is het behoud van cultureel erfgoed essentieel voor het levend houden van de geschiedenis, identiteit en tradities van de gemeenschappen op de eilanden. Daarnaast heeft Nederland internationale verdragen geratificeerd, zoals het UNESCO-Werelderfgoedverdrag, het Verdrag van Granada en het Verdrag van Valletta, waarmee het zich verplicht om erfgoed – ook in Caribisch Nederland – te beschermen en te behouden voor toekomstige generaties. Nederland kan zich, vanuit de optiek van de evaluatoren, niet beroepen op het argument dat erfgoedzorg alleen een lokale aangelegenheid is, omdat het Rijk de verdragen voor het gehele grondgebied heeft geratificeerd en eindverantwoordelijk is voor de naleving van deze internationale verplichtingen. Bovendien wordt erfgoed steeds meer gezien als een rijksbelang, onder andere in het ruimtelijk ontwikkelingsprogramma Caribisch Nederland (ROCN), waarin het behoud van cultureel erfgoed expliciet als nationaal belang is opgenomen.

Overweging 2: Het beschikbaar maken van financiering

De tweede overweging is of er vanuit Rijksmiddelen middelen beschikbaar gemaakt kunnen worden en op welke wijze.

Vanuit deze evaluatie blijkt dat het ontbreken van structurele financieringsmogelijkheden (zoals subsidies of laagrentende leningen) één van de grootste knelpunten is voor effectieve monumentenzorg op Bonaire, Saba en Sint Eustatius. Dit geldt zowel voor overheden, particulieren, als voor andere eigenaren van monumenten. Het beschikbaar maken van afdoende financiering is daarom essentieel om monumentenzorg op Bonaire, Saba en Sint Eustatius toekomstbestendig te maken. Zonder structurele financiële ondersteuning blijft het

behoud van erfgoed afhankelijk van incidentele projecten en individuele inzet, met als risico dat waardevolle monumenten en objecten verloren gaan.

Overweging 3: Aanpassen van de huidige wet, of aansluiten op de Erfgoedwet
De derde overweging betreft de keuze tussen het aanpassen van de huidige Monumentenwet BES of het aansluiten op, of overnemen van de Erfgoedwet op Bonaire, Saba en Sint Eustatius.

Uit de evaluatie blijkt dat de huidige Monumentenwet BES op papier een goede juridische basis biedt, maar dat de uitvoering op de eilanden hapert door gebrek aan capaciteit, middelen, kennis en duidelijke procedures. Daarnaast zijn er verschillen tussen de BES-eilanden en Europees Nederland, vooral op het gebied van financiering, integraliteit en actualiteit van de wetgeving. Er is op de eilanden behoefte aan heldere definities en transparante procedures. De huidige wet wordt als te beperkt of verouderd ervaren, bijvoorbeeld door de termijn van vijftig jaar. In Europees Nederland biedt de Erfgoedwet een actueel kader voor monumentenzorg, met duidelijke subsidiemogelijkheden en een actieve rol voor het Rijk. In Caribisch Nederland zijn financieringsmogelijkheden beperkt.

De derde overweging betreft dan ook twee hoofdopties:

1. Het aanpassen van de huidige Monumentenwet BES

Het aanpassen van de huidige Monumentenwet BES biedt als voordeel dat definities verbreed kunnen worden en procedures transparanter. Hierdoor ontstaat er meer ruimte om verschillende erfgoeddomeinen – zoals maritiem, landschappelijk en immaterieel erfgoed – adequaat te beschermen. Ook kan bescherming van erfgoed via het ruimtelijk spoor beter verankerd worden in de Monumentenwet BES. Op dit moment hebben Bonaire, Saba en St. Eustatius al de mogelijkheid om erfgoed via het ruimtelijk ontwikkelingsplan (ROP) te beschermen. De panden op een lijst van beschermingswaardige objecten mogen dan niet gesloopt worden. Deze aanpassingen zorgen ervoor dat de wetgeving recht doet aan de culturele, bestuurlijke en praktische verschillen tussen Bonaire, Saba en Sint Eustatius. Bovendien kunnen onduidelijkheden over wat precies onder een monument valt en hoe aanwijzing en bescherming plaatsvinden, worden weggenomen, wat de uitvoerbaarheid en het draagvlak vergroot. Daartegenover staat dat, zonder structurele financiering en betere aansluiting op landelijke regelingen, veel knelpunten blijven bestaan. Zo blijven de middelen voor onderhoud en restauratie beperkt, waardoor eigenaren van monumenten onvoldoende worden ondersteund. Dit ondermijnt het maatschappelijk draagvlak voor monumentenzorg, omdat de lasten voor eigenaren van een monument vaak zwaarder wegen dan de baten. Ook blijft het risico bestaan dat monumenten in verval raken of verloren gaan, doordat de uitvoering afhankelijk blijft van incidentele projecten en individuele inzet, in plaats van een structureel en toekomstbestendig stelsel.

2. Het (gedeeltelijk) aansluiten op de Erfgoedwet

Aansluiting bij de Erfgoedwet biedt als belangrijk voordeel dat de BES-eilanden toegang krijgen tot structurele en ruimere subsidiemogelijkheden, zoals de SIM-regeling en woonhuis-subsidie, die nu alleen voor Europees Nederland beschikbaar zijn. Dit zorgt voor een gelijk speelveld voor (rijks)monumenteneigenaren in Caribisch en Europees Nederland en kan het draagvlak voor monumentenzorg aanzienlijk vergroten. Daarnaast biedt de Erfgoedwet heldere en actuele definities, waardoor onduidelijkheden over wat precies onder een

monument valt worden weggenomen. Aanvullend kunnen toezicht en handhaving professioneler worden ingericht, doordat kennis en expertise uit Europees Nederland beter benut kunnen worden en er meer uniformiteit ontstaat in de uitvoering van monumentenzorg.

Daar staat tegenover dat volledige aansluiting bij de Erfgoedwet ook nadelen kent. De wet is ontworpen voor de schaal en capaciteit van Europees Nederland en heeft vooral impact op wat de landelijke overheid kan en moet. Voor de BES-eilanden kan de Erfgoedwet te complex en bureaucratisch lijken. De uitvoeringslast kan daardoor te zwaar (bevonden) worden, zeker gezien de beperkte ambtelijke capaciteit en middelen op de eilanden. Bovendien kan de lokale autonomie onder druk komen te staan, omdat de Erfgoedwet uitgaat van een integraal en centraal aangestuurd stelsel wat op dit moment ook nog niet geïmplementeerd is op de eilanden. Van belang is ook om rekening te houden met verschillen in financiële mogelijkheden van eigenaren van monumenten en het daaraan gerelateerde doenvermogen.

Aanbevelingen

Aanbeveling 1: Zet niet alleen in op implementatie van de wet, maar zorg er ook voor dat uitvoeringsproblemen worden aangepakt.
In de paragraaf hierboven hebben wij een beeld geschetst van twee mogelijke richtingen om het wettelijk kader aan te passen. Tegelijkertijd hapert de uitvoering van monumentenzorg op de eilanden nu al door gebrek aan capaciteit, kennis en middelen. Beide wetten vragen om actieve monumentenraden, goed bijgehouden registers, vergunningverlening, toezicht en handhaving – en hiervoor moeten eerst de basisvoorwaarden op orde zijn. De Erfgoedwet is daarnaast ontworpen voor de schaal, capaciteit en bestuurlijke context van Europees Nederland. De Caribische eilanden zijn veel kleiner en hebben (hierdoor) minder ambtelijke capaciteit en er is sprake van verschillen in doenvermogen. De implementatie van de Erfgoedwet op de eilanden biedt daarom zeker geen oplossing voor de bestaande uitvoeringsproblemen. Sterker nog, extra taken en verplichtingen kunnen de lokale overheden overbelasten als er niet tegelijkertijd wordt geïnvesteerd in kennis, personeel en middelen.

Aanbeveling 2: Investeer in uitvoeringskracht: (re)activeer monumentenraden, verbeter registers en bouw lokale kennis en capaciteit op.
Het versterken van de uitvoeringskracht is essentieel voor effectieve monumentenzorg op Bonaire, Saba en Sint Eustatius, ongeacht de wijze waarop dit vorm gegeven wordt. Dit betekent in de praktijk dat monumentenraden (weer) actief moeten worden, zodat nieuwe monumenten kunnen worden aangewezen en bestaande registers geactualiseerd en toegankelijk gemaakt kunnen worden. Het is ook mogelijk om de monumentenraad te combineren met een monumentencommissie die kan adviseren over wijzigingen aan monumenten in het kader van vergunningen. Dat is een optie die verkend wordt op Saba. Door registers te actualiseren en openbaar te maken ontstaat er duidelijkheid over welke objecten daadwerkelijk beschermd zijn, wat niet alleen de uitvoering maar ook het draagvlak onder eigenaren en de gemeenschap vergroot. Daarnaast is het noodzakelijk om te investeren in lokale kennis en capaciteit. Veel knelpunten in de uitvoering – zoals gebrekkig toezicht enhandhaving, vergunningverlening en onderhoud – zijn direct te herleiden tot een tekort aan deskundig personeel en onvoldoende kennis van de wet- en regelgeving. Door te investeren in opleiding, het vastleggen van kennis en ervaring, en het opbouwen van specialistische functies (zoals een *erfgoedinspecteur)*, kan de kwaliteit van monumentenzorg structureel worden verbeterd.

Aanbeveling 3: Zorg voor beschikbare middelen

Een structurele verbetering van de monumentenzorg op Bonaire, Saba en Sint Eustatius vraagt om het beschikbaar stellen van voldoende middelen. Dit betekent dat er niet alleen incidentele financiering moet zijn voor losse projecten, maar dat er structurele budgetten nodig zijn voor (duurzaam) onderhoud, restauratie en het versterken van de uitvoeringskracht. Zowel lokale overheden, zakelijke eigenaren als particuliere eigenaren moeten kunnen rekenen op financiële ondersteuning, bijvoorbeeld via subsidies, laagrentende leningen of fiscale voordelen. Daarnaast is het belangrijk dat er middelen beschikbaar zijn voor het opbouwen van lokale kennis en capaciteit (zie aanbeveling 2).

Aanbeveling 4: Zet in op bewustwording en educatie

Het vergroten van bewustwording en educatie rondom erfgoed is volgens de evaluatoren een essentiële randvoorwaarde voor succesvolle monumentenzorg. Veel inwoners, beleidsmakers en handhavers weten niet wat een monument is of waarom bescherming nodig is. Zonder draagvlak en kennis binnen deze groepen zal de wet weinig effect hebben. Door te investeren in educatie – bijvoorbeeld via het onderwijs, publiekscampagnes, erfgoedlessen en lokale evenementen – kan kennis over de geschiedenis, betekenis en het behoud van erfgoed breed worden verspreid. Dit draagt bij aan meer betrokkenheid van de gemeenschap, stimuleert trots op het lokale erfgoed en vergroot de kans dat bewoners zich actief inzetten voor behoud en onderhoud. Daarnaast helpt heldere en toegankelijke informatievoorziening eigenaren en belanghebbenden om hun rechten en plichten beter te begrijpen. Bewustwording en educatie vormen daarmee de basis voor een duurzaam en toekomstbestendig erfgoedbeleid, waarin erfgoed niet alleen wordt beschermd door regels, maar ook wordt gedragen door de samenleving zelf. Er kan bezien worden of dit bereikt kan worden door (meer) aan te sluiten op de reeds ontwikkelde cultuuragenda's op de eilanden en bijvoorbeeld via de op de eilanden geïntroduceerde cultuurcoaches.

Aanbeveling 5: Herzie de artikelen van de Monumentenwet als deze van toepassing blijft op Bonaire, Saba en Sint Eustatius

Aan het einde van het rapport in hoofdstuk 6 is per artikel uit de Monumentenwet BES een overzicht opgenomen van de gewenste verbeteringen, zoals benoemd in de interviews. Gemakshalve verwijzen wij naar de betreffende passages in hoofdstuk 6.

Summary

Background

In November 2023, the House of Representatives called on the government—through the Wuite motion—to evaluate the functioning of the *Monumentenwet BES*. The reason for the evaluation is that this Act, since its introduction in 2010, has never previously been evaluated. Moreover, in practice, differences have arisen between heritage management in the Caribbean Netherlands (through the *Monumentenwet BES*) and the European Netherlands (through the Heritage Act), for example in the area of financial support, the procedures for designating monuments, and the implementation of the law.

Objectives and research questions

The evaluation period of the Monumentenwet BES covers the years from the Act's entry into force in 2010 up to and including 2024. This period is used to retrospectively examine the functioning of the law, the implementation by the parties involved, and the results achieved in the field of heritage conservation on Bonaire, St. Eustatius and Saba. The evaluation aims to identify the needs, wishes, bottlenecks and opportunities related to the Monumentenwet BES during the 2010–2024 period. The evaluation therefore focuses both on the past and the current situation, as well as on future wishes and needs. This aligns with the broader trajectory of the Caribbean Netherlands sub-programme "Heritage and Government", in which limited resources are available for improvement proposals arising from the evaluation. Research questions were formulated at the start of the evaluation. These questions are answered further on in this summary.

Methodology

In the first phase, a desk study and exploratory interviews conducted from the European Netherlands were used to map the background and functioning of the Monumentenwet BES and to prepare for further data collection. This phase concluded with an inception report containing the first findings, which was discussed with the monitoring committee. In the second phase, interviews were conducted on Bonaire, St. Eustatius and Saba, as well as in the countries of Curaçao, Aruba and St. Maarten, and in the European Netherlands. In total, 58 in-depth interviews were conducted. Interview reports were prepared for all conversations, which were then coded and analysed using the SCP model (structure–conduct–performance), supplemented with principles from Regeling Periodiek Evaluatieonderzoek (RPE).

Limitations of the research

This approach provided a broad picture of the functioning, bottlenecks and opportunities of the law. At the same time, several methodological limitations should be noted. Already during the desk study it became clear that current and complete documentation on monuments and monument policy is lacking on some islands, making it difficult to obtain a full and reliable picture—particularly regarding developments further in the past. Furthermore, the evaluation team is aware that the research is based primarily on interviews in addition to desk research. This means that the results partly depend on personal experiences, perceptions and memories, which may be subjective and may not cover the entire evaluation period. Finally, due to differences in context, policy and implementation, comparisons between the European Netherlands, the islands Bonaire, St. Eustatius and Saba, and the other countries within the Kingdom (Curaçao, Aruba and St. Maarten) are sometimes difficult to make.

Findings

The next table presents the main findings of the evaluation for Bonaire, Saba and Sint Eustatius.

	Bonaire	Saba	Sint Eustatius
Functioning of the law	The implementation of the law has largely come to a standstill due to a lack of capacity, resources and an active Monuments Council. The monuments register is not publicly accessible. Heritage is partly safeguarded through spatial planning.	The Act and ordinance are not yet being applied; heritage management is in an initial phase. A working group is preparing the establishment of a Monuments Council and an inventory.	The Act was partly implemented in the past, mainly for built heritage. At present there is no active Monuments Council, registration is limited, and there is uncertainty about the number of monuments.
Bottlenecks in implementation	Absence of a Monuments Council. Insufficient capacity, resources and expertise. No structural financing. Uncertainty about definitions and procedures.	Monuments Council is currently being established. No protected monuments designated. Uncertainty regarding the definition of 'monument'. Limited capacity and expertise. No structural financing for private individuals. Uncertainty about consequences of monument status.	Absence of a Monuments Council. Uncertainty about definitions and number of monuments. Owners likely not informed about monument status. No structural financing. Limited capacity and expertise. Limited cooperation between departments.

	Bonaire	Saba	Sint Eustatius
Results	25 protected monuments and 637 heritage-worthy objects (recently updated to approx. 800).[4] Two protected cityscape/villagescape. Archaeological value map and landscape biography present. Poor maintenance of monuments.	0 protected monuments; draft list of 10 potential monuments. Archaeological expectation map. Landscape biography being prepared. Poor maintenance of potential monuments.	11 protected monuments[5]; a list of heritage-worthy objects[6]; 1 protected cityscape/villagescape. Archaeological value map. Landscape biography being prepared. Poor maintenance of (potential) monuments.
Future perspective	Improvement possible through structural financing, clarity on definitions and procedures, increasing capacity and knowledge, more cooperation, heritage education and awareness.	Need to build structure and capacity; begin with a simple approach and expand gradually. Revision of the law and structural financing required.	Restart needed: re-establish Monuments Council, update registers, inform owners, improve cooperation, ensure structural financing for maintenance.

Conclusions

Conclusion 1: The Act provides a legal basis, but implementation falters due to a lack of capacity, resources and expertise.

Although on paper the Act offers a solid legal foundation and leaves sufficient scope for local elaboration through the monuments island ordinances, in practice implementation falters on all three islands. A key bottleneck is the absence of active Monuments Councils, as a result of which no new monuments have been designated for years. Existing registers are also outdated, incomplete and not public or are difficult to access. This leads to uncertainty about which objects are in fact legally protected. In addition, there is a structural shortage of implementation capacity, knowledge of the Monumentenwet BES, and resources within the local governments. This results in inadequate supervision and enforcement, causing many monuments and heritage-worthy objects to be in poor condition or to have been lost or be at risk of being lost. The lack of structural financing options—such as grants or low-interest loans for private owners—is widely felt to be a shortcoming and undermines support among private owners for designating, preserving and maintaining protected monuments.

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4 The list of buildings considered eligible for protection is included as an appendix to the Spatial Development Plan; see: https://bonaire-ro.nl/wp-content/uploads/2018/08/Bonaire-geconsolideerd-2018-Bijlagen.pdf. The interviews indicate that this list has recently been updated and expanded to include more than 800 heritage-worthy properties. At the time of publication of the present report, this updated list had not yet been made public. Therefore, at the time of writing, we have relied on the original list.

5 On Sint Eustatius, there is uncertainty regarding the exact number of officially protected monuments (see page 54). Joint research conducted by the Public Entity Sint Eustatius (OLE) and the Cultural Heritage Agency of the Netherlands (RCE) indicates that there are 11 protected monuments, of which the designations of four monuments have been formally published.

6 The list of objects considered eligible for protection is included as an appendix to the Spatial Development Plan; see: https://www.statiagovernment.com/fileadmin/Files/Documents/Ordinances/2024/A.B._2024_no.*03_Afkond_ROP_Eux_2023__1___1*.pdf.

Conclusion 2: The islands also need clear definitions and transparent procedures in the legislation.

There is a clear need on the islands for clear definitions and transparent procedures in the legislation, because in practice there is much uncertainty about what exactly is meant by a monument and which objects are (or can be) protected. It is often noted that the definitions in Article 1 of the Monumentenwet BES are experienced as too narrow or outdated—for example due to the fifty-year threshold and the lack of attention for certain heritage domains such as maritime heritage, landscape elements and intangible heritage. In addition, it is indicated that the procedures around designation, registration and protection of monuments are not always clear to stakeholders, partly because registers are outdated or not publicly accessible. It is also pointed out that the Act contains no provision for inter-administrative supervision. These uncertainties not only impede implementation of the law; they also mean that owners and other stakeholders do not sufficiently know where they stand and what rights and obligations they have. This evaluation therefore argues for broadening and clarifying definitions and making procedures in the legislation more transparent.

Conclusion 3: Bonaire, Saba and St. Eustatius cannot be considered a single homogeneous group.

The local implementation of heritage management differs across Bonaire, Saba and St. Eustatius. For example, in addition to a list with a limited number of officially protected monuments, Bonaire also has a much more extensive list of heritage-worthy objects, while on Saba heritage management is still in a start-up phase and no monuments have yet been designated. On St. Eustatius, monuments have been designated, but there is uncertainty about the number of protected monuments because the registers are outdated. The islands also differ in administrative priorities, available capacity and the level of societal support. These differences show that, in practice, heritage management plays out differently on each island and faces different bottlenecks and needs. The name ‘BES’ in the Monumentenwet BES moreover suggests more interrelationships than actually exist. The islands have major cultural and geographic differences: Bonaire lies about 1,000 kilometres from Saba and St. Eustatius and there are clear differences in language (Papiamentu on Bonaire, English on Saba and St. Eustatius), history and identity. This argues for replacing the term ‘BES’ by naming the islands explicitly.

Conclusion 4: The main differences from the legislation in the European Netherlands concern integration and financing options.

In the European Netherlands, heritage protection is regulated through the Heritage Act and the Environment and Planning Act, which together provide an integrated and up-to-date framework for monuments, archaeology and museum objects. Central government plays an active role and designates national (rijks) monuments. There is a wide range of financing options for owners of national monuments, including grants such as the Preservation of Monuments Grant Scheme (SIM) and the Residential Monuments Grant. Municipalities (and provinces) in the European Netherlands are responsible for designating municipal (and provincial) monuments and for adopting ordinances, with support via the Municipal Fund. In the Caribbean Netherlands, these financing options under the Heritage Act do not apply. The Monumentenwet BES provides less structural financial support. Loans available through the National Restoration Fund (NRF) are incidental and currently aimed only at commercial owners, while private owners have limited access to tax benefits because there is often no official monument status and incomes are insufficient to make use of loans or tax deduction.

Conclusion 5: The legal frameworks in the countries of Curaçao, Aruba and St. Maarten are comparable, but implementation differs.

In the countries of Curaçao, Aruba and St. Maarten, legal frameworks comparable to those on Bonaire, St. Eustatius and Saba are in place, with their own monument ordinances and councils. On Curaçao and Aruba, implementation is strengthened by active foundations and funds focused on restoration, management and raising awareness. The effectiveness of these efforts, however, depends greatly on available local capacity, administrative engagement and financial resources. St. Maarten lags behind Curaçao and Aruba in the field of heritage management and, in recent years, implementation has been limited, partly due to the absence of an active Monuments Council and a monuments fund.

Conclusion 6: Extending the scope of the Heritage Act to the Caribbean Netherlands has both advantages and disadvantages.

On the one hand, alignment with the Heritage Act could provide greater clarity in definitions, better access to structural financing options (such as the SIM grant and the Residential Monuments Grant), and contribute to a level playing field for monument owners in the Caribbean and European Netherlands. Supervision and enforcement could also be set up more professionally and knowledge and expertise from the European Netherlands could be used more effectively. On the other hand, full application of the Heritage Act may be too complex and bureaucratic for the scale and context of the BES islands, where implementation capacity is limited and local autonomy is valued. An alternative could therefore be not to apply the entire Heritage Act, but to adopt certain components or definitions and open up the financing options to the Caribbean Netherlands.

Conclusion 7: A solid legal framework alone is not enough; practical implementation capacity, financing and local engagement are essential.

The Monumentenwet BES provides a legal foundation, but implementation is currently at a standstill due to a lack of capacity, resources and expertise. Functional Monuments Councils are absent on all three islands, registers on Bonaire and St. Eustatius are outdated, and there is uncertainty about what is protected. There is a need for clear definitions and transparent procedures in the legislation. Financing options for monuments on Bonaire, St. Eustatius and Saba are also very limited. Effective heritage management on the islands requires active implementation, structural financing and tailored, island-specific approaches.

Considerations

Consideration 1: Determine whether cultural heritage in the Caribbean Netherlands is a matter of national responsibility.

The first consideration is whether the preservation of heritage (including monuments) is indeed a matter of national responsibility and therefore cannot be left solely to the islands. Many monuments and other types of cultural heritage on Bonaire, Saba and St. Eustatius are of great cultural-historical value and are part of the shared history of the islands and the Kingdom of the Netherlands. From this perspective, preserving cultural heritage is essential for keeping the history, identity and traditions of the island communities alive. The Netherlands has also ratified international treaties such as the UNESCO World Heritage Convention, the Granada Convention and the Valletta Convention, which obligate the Netherlands to protect heritage throughout its territory, including the Caribbean Netherlands.

Consideration 2: Making financing available.

The evaluation shows that the absence of structural financing options (such as grants or low-interest loans) is one of the greatest bottlenecks for effective heritage management on Bonaire, Saba and St. Eustatius. This applies to governments, private owners and other owners of monuments. Providing adequate financing is essential to ensure that heritage management in the Caribbean Netherlands can be future-proof. Without structural funding, heritage preservation will remain dependent on incidental projects and individual efforts, with the risk that valuable monuments and objects will be lost.

Consideration 3: Amending the current Monumentenwet BES or aligning with the Dutch Heritage Act.

The evaluation shows that, although the Monumentenwet BES provides a legal foundation, implementation falters due to a lack of capacity, resources, expertise and clear procedures. Important differences exist between the BES islands and the European Netherlands, particularly in the areas of financing, integration and the currency of legislation. The current law is regarded as too limited or outdated, for example because of the fifty-year threshold. The Dutch Heritage Act provides an up-to-date and integrated framework with clearer definitions and a wide range of financing options. Alignment with (parts of) the Heritage Act could offer better support and clarity, but may also be too complex or bureaucratic for the small scale and limited capacity of the islands.

Recommendations

Recommendation 1: Do not focus solely on implementing the law, but ensure that implementation issues are addressed.

In the previous paragraph, two possible directions for adjusting the legislative framework were outlined. At the same time, the implementation of heritage management on the islands is already faltering due to a lack of capacity, knowledge and resources. Both legislative frameworks require active Monuments Councils, well-maintained registers, permitting procedures, supervision and enforcement. The basic conditions for these must first be in order. The Heritage Act is designed for the scale, capacity and administrative context of the European Netherlands, while the Caribbean islands are much smaller and have less administrative capacity, as well as differences in ‘ability to act’. Implementing the Heritage Act does not solve existing implementation problems and may overburden local governments if investments in knowledge, personnel and resources are not made.

Recommendation 2: Invest in implementation capacity: (re)activate Monuments Councils, improve registers, and build local knowledge and expertise.

Strengthening implementation capacity is essential for effective heritage management on Bonaire, Saba and St. Eustatius. Monuments Councils must (again) become active so that new monuments can be designated and existing registers can be updated and made accessible. Councils can be combined with monuments committees that advise on changes in the context of permitting. Updating and publicising registers creates clarity about what is protected and increases support among owners and the community. Local knowledge and expertise must be built through training, safeguarding institutional knowledge, and establishing specialist roles such as a heritage inspector.

Recommendation 3: Ensure that financial resources are available.

Structural improvement of heritage management requires sufficient financial resources—not only incidental funding for projects but also structural budgets for maintenance, restoration and strengthening implementation capacity. Local governments, commercial owners and private owners must have access to financial support, for example through grants, low-interest loans or tax benefits. Funding is also needed for building local knowledge and capacity.

Recommendation 4: Focus on awareness-raising and education.

Raising awareness and education around heritage is an essential precondition for successful heritage management. Many residents, policymakers and enforcement staff do not know what a monument is or why protection is necessary. By investing in education—through schools, public campaigns, heritage lessons and local events—knowledge of history, significance and preservation can be widely disseminated, increasing community involvement. Clear, accessible information helps owners and stakeholders understand their rights and obligations. Awareness and education can build a sustainable, future-proof heritage policy supported by society.

Recommendation 5: Revise the articles of the Monumentenwet BES if it remains applicable to Bonaire, Saba and St. Eustatius.

Chapter 6 of the report provides an overview of the desired improvements to each article of the Monumentenwet BES as identified in the interviews. Reference is made to the relevant passages in that chapter.

Evaluashon Lei di Monumento BES: Resúmen

Motibu

Na novèmber 2023 Tweede Kamer, pa medio di moshon Wuite, a pidi gobièrnu pa evaluá funshonamentu di Lei di Monumento BES (Monumentenwet BES). Motibu pa e evaluashon akí ta ku for di momentu ku a introdusí e lei akí na 2010 nunka el a wòrdu evaluá. Ademas den práktika algun diferensha a surgi den konservashon di patrimonio na Hulanda karibense - pa medio di Lei di Monumento BES - i Hulanda Europeo - pa medio di Lei di Patrimonio (Erfgoedwet). Por ehèmpel den área di apoyo finansiero, e manera di designá monumento i ehekushon di e lei.

Meta i e preguntanan di e investigashon

E periodo di evaluashon di e Lei di Monumento BES ta kubri e añanan 2010 - for di su implementashon - te ku 2024. Den e periodo akí ta wak kon e lei a funshoná, ehekushon dor di e partidonan envolví a bai, anto e resultadonan den e área di konservashon di monumento na Boneiru, Sint-Eustatius i Saba. E propósito di e evaluashon ta pa tin un bista riba e nesesidat-, deseo-, problema- i oportunidatnan ku tin pa loke ta trata e Lei di Monumento BES den e periodo 2010-2024. Pa e motibu ei e evaluashon ta dirigí riba tantu e situashon den pasado, komo esun aktual i den futuro deseo- i nesesidatnan. Esaki ta konektá ku e trayekto mas ámplio yamá 'Patrimonio i Gobièrnu' ('Erfgoed en Overheid'). E trayekto separá pa Hulanda karibense, den kua tambe, maske limitá, tin medio disponibel pa e propuestanan pa mehora ku sali komo resultado for di e evaluashon. Na kuminsamentu di e evaluashon a formulá e preguntanan pa e investigashon. Mas dilanti den e resúmen akí, lo kontestá esakinan.

Metodologia

Den e promé fase di *desk research* i entrevista di eksplorashon - for di Hulanda - a reuní i klasifiká e base i funshonamentu di e Lei di Monumento BES, anto a hasi otro preparashon pa kolekshon di dato. A klousurá e fase akí ku un reportahe ku e promé resultadonan. A pasa dor di esakinan ku e komishon di guia. Despues den e di dos fase a tene entrevista na Boneiru, Sint-Eustatius, Saba, Kòrsou, Aruba, Sint-Maarten i na Hulanda europeo. Di e entrevistanan tin relato ku seguidamente a wòrdu kodifiká i analisá pa medio di e modelo SCP (structure–conduct–performance), anto a komplementá nan ku e puntonan di salida for di Regeling Periodiek Evaluatieonderzoek (RPE) di Reino.

E limitashonnan di e investigashon

Di e manera akí a haña un bista ámplio di e manera di traha, e problema- i oportunidatnan di e lei. Alabes tambe tin opservashon ku por wòrdu hasí pa loke ta trata e metodologia. Asina durante e *desk research* a sali na kla ku algun isla no tin tur dokumentashon aktual i kompleto di monumento i maneho di monumento, loke ta hasi difísil pa haña un bista kompleto i konfiabel di, en espesial, e pasado lehano. Tambe nos ta konsiente ku e evaluashon banda di un *desk research*, ta basá primordialmente riba entrevista ku esnan konserní. Esaki ta nifiká ku e resultadonan parsialmente ta dependé di e eksperiensianan personal, persepshon i rekuerdo. Esakinan por ta suphetivo, anto no ta kubri e periodo di evaluashon kompleto. Komo último nos ke menshoná ku diferensha di konteksto, maneho i ehekushon tin biaha ta

hasi un komparashon entre e situashon na Hulanda europeo, e islanan Boneiru, Sint-Eustatius i Saba i e otro paisnan den Reino (Kòrsou, Aruba i Sint-Maarten) kompleho.

Resultado

E siguiente tabèl ta mustra den liñanan grandi e resultadonan di e evaluashon pa Boneiru, Saba i Sint-Eustatius.

	Boneiru	Saba	Sint-Eustatius
Kon e lei ta funshoná	Pa gran parti e ehekushon di e lei ta pará ketu pa falta di kapasidat, medio i un konseho di monumento (monumentenraad). E registro di monumento no ta aksesibel pa públiko. Ta sigurá patrimonio parsialmente pa medio di ordenamentu di teritorio.	No ta apliká e lei i dekreto ainda; ta inisiando konservashon di monumento (monumentenzorg). Tin un grupo di trabou (werkgroep) ku ta lantando e konseho di monumento (monumentenraad) i ta hasiendo un inventarisashon.	Den pasado parsialmente a ehekutá e lei, en espesial pa e monumentonan konstruí. Na e momentu akí no tin un konseho di monumento aktivo, tin registrashon limitá i pa e motibu ei no tin klaridat pa loke ta trata e kantidat di monumento.
E problemanan durante e ehekushon	No tin konseho di monumento. No tin sufisiente kapasidat, medio i konosementu. Kapasidat i ekspertisia limitá. No tin finansiamentu struktural. No tin klaridat pa loke ta trata definishon i prosedura.	Ta lantando un konseho di monumento. No tin monumento protegé asigná. Tin inseguridat pa loke ta trata e término 'monumento'. Kapasidat i ekspertisio ta limitá. No tin posibilidat di finansiamentu struktural pa sektor privá. Inseguridat pa loke ta trata e konsekuenshanan di un estado di monumento pa sektor privá.	No tin konseho di monumento. No tin klaridat pa loke ta trata e definishon i kantidat di monumento. Probablemente no a informá e propietarionan tokante e estado monumental di nan edifisio. No tin finansiamentu struktural. Kapasidat i ekspertisio limitá. Koperashon entre departamentonan ta limitá.
Resultado	25 monumento protegé[7] i 637 opheto ku ta digno pa protegé, 2 asina	Sero monumento protegé, tin konsepto di un lista ku 10 potensial monumento.	Tin 11 monumento[8] protegé i un lista ku opheto ku ta digno pa

[7] E lista ku edifisio ku ta digno pa wòrdu protegé ta inkluí den e plan di desaroyo: https://bonaire-ro.nl/wp-content/uploads/2018/08/Bonaire-geconsolideerd-2018-Bijlagen.pdf. For di e entrevistanan a sali na kla ku resientemente a aktualisá e lista akí te na mas ku 800 opheto ku ta digno pa wòrdu protegé. No a publiká e lista akí ainda na momentu ku a publiká e rapòrt akí, pa motibu pa kua e lista original a keda nos punto di salida.

[8] Na Sint-Eustatius no tin klaridat pa loke ta trata e kantidat esakto di monumento protegé ofisialmente (lesa página 54). Un investigashon konhunto di Openbaar Lichaam Sint-Eustatius (OLE) i Rijksdienst van Cultureel Erfgoed (RCE) ta mustra ku tin 11 monumento protegé, di kua tin kuater monumento protegé ku a publiká nan datonan.

	yamá *stads-/dorpsgezichten* protegé. Presensia di un mapa ku balor arkeológiko i biografia di paisahe. Mal estado di mantenshon di monumento.	Presensia di un asina yamá archeologische verwachtingskaart. Ta trahando un biografia di paisahe. Mal estado di mantenshon di potensial monumento.	haña e estado di monumento[9]. Tin un stads-/dorpsgezicht protegé. Presensia di un archeologische waardekaart. Ta trahando un biografia di paisahe. Mantenshon di (potensial) monumento ta den mal estado.
Perspektiva pa futuro	Tin mehora posibel dor di: Finansiamentu struktural, klaridat tokante definishon i prosedura, engrandesé kapasidat i konosementu na gobièrnu, mas kolaborashon, edukashon tokante patrimonio i konsientisashon.	Mester traha riba struktura i kapasidat. Kaba ta start ku maneho simpel i ku por amplia lentamente. Banda di esei tin nesesidat pa revishon di e lei riba diferente punto i finansiamentu struktural pa mantenshon.	Tin mester di un komienso nobo: mester re-inisiá e konseho di monumento, aktualisá e registronan, informá propietario, mas koperashon i aksesibilidat pa finansiamentu struktural pa mantenshon.

Konklushon

Konklushon 1: E lei ta ofresé un base hurídiko, pero ehekushon ta faya pa motibu ku tin falta di kapasidat, medio i konosementu.

Maske e lei riba papel ta ofresé un base hurídiko fuerte, anto tin sufisiente espasio pa adaptashon lokal pa medio di e asina yamá *monumenten-eilandsverordeningen*, ta sali na kla ku ehekushon den práktika na tur tres isla ta faya. Un di e problemanan ta falta di konseho di monumento aktivo, motibu pa kua ya pa diferente aña no a designá niun monumento nobo.Tambe ta asina ku registro aktual ta opsoleto, inkompleto i no ta aksesibel (fásilmente) pa públiko en general. Esaki tin komo resultado ku no tin klaridat pa loke ta trata ta kua opheto ta protegé sigun lei. Banda di esei tin un eskases struktural di kapasidat pa ehekutá, konosementu di e Lei di Monumento BES i medio serka e gobièrnunan lokal. Esaki ta resultá den supervishon insufisiente i mantenshon, anto e ora ei hopi monumento i opheto ku ta digno pa protegé ta den mal estado òf asta a (lo) bai pèrdí. Falta di posibilidat finansiero struktural, manera supsidio òf fiansa ku interes abou pa propietario partikular, ta wòrdu mirá komo un

[9] A inkluí e lista ku ophetonan ku ta digno pa protegé komo anekso na e plan di desaroyo di teritorio: https://www.statiagovernment.com/fileadmin/Files/Documents/Ordinances/2024/A.B._2024_no._03_Afkond_ROP_Eux_2023__1___1_.pdf

falta i ta debilitá e aseptabilidat pa apuntá, mantené i kuida monumento protegé dor di propietario privá.

Konklushon 2: Na e islanan tin nesesidat pa haña definishon kla i prosedura transparente di parti di legislashon

Na e islanan tin nesesidat pa haña definishon bon kla i prosedura transparente di banda di legislashon, ya komo tin masha inklaridat tokante kiko esáktamente un monumento ta, anto kua opheto realmente (por) ta protegé. Pa loke ta trata e punto akí frekuentemente ta menshoná ku ta haña e definishonnan den artíkulo 1 di e Lei di Monumento BES muchu limitá òf antikuá. Por ehèmpel ora ta mantené e término di 50 aña i falta di atenshon pa sierto área di patrimonio, manera patrimonio marítimo, elemento di paisahe i patrimonio inmaterial. Banda di esei ta indiká ku prosedura rondó di registrashon i protekshon di monumento no semper ta bon kla pa esnan involukrá. Parsialmente pa motibu ku e registronan ta datá òf inaksesibel pa públiko. Ademas ta yama atenshon riba e echo ku lei no a regla supervishon interatministrativo. E inklaridatnan akí no únikamente ta stroba ehekushon di e lei, pero tambe ta sòru pa propietario i otro persona involukrá no sa sufisiente tokante kiko nan por konta riba dje i kiko nan deber- i derechonan ta. Ta pa e motibu ei den e evaluashon akí ta boga pa ampliashon i aklarashon di definishon i hasi e proseduranan den legislashon mas transparente.

Konklushon 3: Boneiru, Saba i Sint-Eustatius no por wòrdu mirá komo un grupo homogéneo

Elaborashon di konservashon di monumento lokal ta diferente na Boneiru, Saba i Sint-Eustatius. Por ehèmpel ta asina ku Boneiru, banda di un lista limitá di monumento protegé ofisial, tambe tin un lista mas ekstenso di opheto ku ta digno pa protegé. Miéntras ku na Saba konservashon di monumento ainda ta den fase di insisio, anto ainda no a indiká niun monumento. Na Sint-Eustatius sí tin monumento asigná, pero e kantidat di monumento no ta bon kla ya komo e registronan no ta aktualisá. Ademas na e islanan tin diferensha entre prioridat di maneho, kapasidat disponibel i e grado di base di sosten sosial. E diferenshanan akí ta hasi bon kla ku den práktika konservashon di monumento ta otro na kada isla, anto ku e konosé otro problema i nesesidat. E nòmber “BES” den e Lei di Monumento BES ademas ta sugerí ku tin mas laso ku loke realmente tin. E islanan konosé diferensha grandi tantu den aspekto kultural komo geográfiko. Boneiru ta mil kilometer leu for di Saba i Sint-Eustatius. Anto tin diferensha pa loke ta trata historia, identidat i idioma. Na Boneiru ta papia papiamentu, miéntras ku na Saba i Sint-Eustatius ta papia ingles. P’esei ta boga pa kambia e término BES pa e nòmber di kada isla. Na e islanan e sintimentu tambe ta asina.

Konklushon 4: E diferenshanan ku legislashon na Hulanda europeo partikularmente ta e integralidat i posibilidatnan pa finansiamentu

Na Hulanda europeo a regla protekshon di patrimonio pa medio di e Lei di Patrimonio (Monumentenwet) i Lei di Meidioambiente i Planifikashon (e asina yamá Omgevingswet), ku ta ofresé un kuadro integral i aktual pa tantu monumento, komo arkeologia i ophetonan di museo. Den esaki Reino tin un ròl aktivo i ta designá monumento di estado. Tin un gran eskala di opshon pa finansiamentu pa propietario di monumento di estado, bou di kua supsidio manera Subsidieregeling instandhouding monumenten (SIM) i Subsidie woonhuismonumenten. Na Hulanda europeo, munisipio (i provinsia) ta enkargá ku designá monumento munisipal i provinsial. Ademas nan ta ordená ordenansa, ku apoyo di e Fondo munisipal (Gemeentefonds). E opshonnan di finansiamentu akí di Lei di Patrimonio (Erfgoedwet) no ta aplikabel na Hulanda karibense. E Lei di Monumento BES ta ofresé ménos

posibilidat di finansiamentu struktural. E préstamonan pa medio di Nationaal Restauratiefonds (NRF) ta insidental i na e momentu akí, únikamente dirigí riba propietario di negoshi, miéntras ku propietario privá tin akseso limitá na e bentahanan fiskal, ya komo nan edifisio no tin e estado ofisial di monumento i nan tin muchu tiki entrada pa por hasi uso di fiansa òf dedukshon di impuesto.

Konklushon 5: E markonan legal di e paisnan Kòrsou, Aruba i Sint-Maarten ta komparabel, pero e ehekushon ta diferente

Na e paisnan Kòrsou, Aruba i Sint-Maarten tin marko legal similar na esnan ku tin na Boneiru, Sint-Eustatius i Saba. Nan tin nan propio dekreto- i konsehonan di monumento. Na Kòrsou i Aruba ehekushon ta wòrdu fortalesé pa e fundashon- i fondonan aktivo ku ta dirigí nan mes riba restourashon, maneho i konsientisashon. Efektividat di esaki ta dependé mashá di e kapasidat lokal, embolbimentu di mando i medio finansiero disponibel. Pa loke ta trata konservashon di monumento Sint-Maarten ta keda atras si kompará esaki ku Kòrsou i Aruba. Anto e último añanan ehekushon di konservashon di monumento ta limitá, tambe debí na falta di un konseho di monumento aktivo i un fondo di monumento.

Konklushon 6: Ampliashon di e funshonamentu di e Lei di Patrimonio na Hulanda karibense tin tantu bentaha komo desbentaha

Di un banda konekshon ku e Lei di Patrimonio lo por sòru pa mas klaridat den definishon, mihó akseso na posibilidat di finansiamentu struktural (manera SIM-subsidie i woonhuissubsidie), anto e por ta un aporte na un área ekitativo pa propietarionan di monumento tantu na Hulanda karibense komo Hulanda europeo. Tambe lo por ekipá supervishon i mantenshon di manera mas profeshonal i tambe lo por utilisá konosementu i perisia i Hulanda europeo mihó. Di otro banda tin preokupashon ku adaptashon kompleto na e Lei di Patrimonio, lo ta muchu kompleho i burokrátiko pa e eskala i konteksto di e islanan BES. Ya komo ku e kapasidat pa ehekutá ta limitá, anto outonomia lokal ta importante. P'esei un alternativa lo por ta pa no aplikà e Lei di Patrimonio kompleto, pero sí e partinan òf definishonnan ku ta aplikabel i habri e posibilidatnan di finansiamentu pa Hulanda karibense. Esei lo por aportá na un mihó protekshon di patrimonio, sin ku e konteksto lokal i ehekushon ta wòrdu perdí fo'i bista.

Konklushon 7: Un kuadro hurídiko sólido no ta sufisiente; forsa di ehekushon práktiko, finansiamentu i partisipashon lokal ta esensial

E Lei di Monumento BES ta duna un base hurídiko fuerte, pero na e momentu akí e ta wantá den su ehekushon pa falta di kapasidat, medio i konosementu. Falta di konseho di monumento ku ta funshoná – na tur tres isla, registro na Boneiru i Sint-Eustatius ku ta bieu opsoleto, anto no ta bon kla ta kiko ta protegé. Tin nesesidat pa por tin definishon kla i prosedura transparente for di lei. Banda di esei e posibilidatnan pa finansiamentu pa monumento na Boneiru, Sint-Eustatius i Saba ta mashá limitá. Konservashon di monumento efektivo na e islanan ta pidi pa un ehekushon aktivo, finansiamentu struktural i trabou na midí na kada isla.

Konsiderashon

Den e evaluashon akí nos a formulá, banda di e konsehonan, tres konsiderashon riba kua por tuma un desishon basá riba maneho. E desishonnan akí ta esensial pa loke ta trata e pregunta kon ta bai forma e maneho di patrimonio na Boneiru, Saba i Sint-Eustatius.

Konsiderashon 1: Stipulá si patrimonio kultural denter di Hulanda karibense ta un asuntu di Reino

E promé konsiderashon ta si tin un idea kompartí pa loke ta trata mantenshon di patromonio (i den esaki monumento). Pues ku esaki realmente ta un asuntu di Reino. Anto ku realmente no por laga esaki na e islanan nan so.

Hopi monumento i otro patrimonio kultural na Boneiru, Saba i Sint-Eustatius ta di gran balor hістóriko kultural i (ku esaki) di Reino hulandes. For di e punto di bista akí mantenshon di patrimonio kultural ta esensial pa mantenshon di historia bibu, pa identidat i tradishon di e komunidatnan na e islanan. Banda di esei Hulanda a rafitiká tratado internashonal, manera *UNESCO-Werelderfgoedverdrag*, *Verdrag van Granada* i *Verdrag van Valletta*. Hasiendo esaki Hulanda ta obligá su mes pa protegé i mantené patrimonio – tambe na Hulanda karibense – pa e generashonnan binidero. For di punto di bista di e evaluadónan, Hulanda no por apelá na e argumento ku konservashon di patrimonio ta un asuntu lokal. Ya komo Reino a rafitiká e tratadonan pa hinter e teritorio, anto e ta responsabel pa kumplimentu ku e obligashonnan internashonal akí. Ademas ta mira patrimonio mas i mas komo un interes di Reino, entre otro den e programa di desaroyo yamá Ruimtelijk Ontwikkelingsprogramma Caribisch Nederland (ROCN). Akiden a inkorporá mantenshon di patrimonio kultural eksplísitamente komo importansha nashonal.

Konsiderashon 2: Hasi finansiamentu disponibel

E di dos konsiderashon ta si ta posibel, anto di kua manera, pa pone medio disponibel for di Reino.

For di e evaluashon akí a sali na kla ku falta di posibilidat finansiero struktural (manera supsidio òf préstamo ku interes abou) ta un di e problemanan di mas grandi pa konservashon di monumento efektivo na Boneiru, Saba i Sint-Eustatius. Esaki ta konta tantu pa e gobiènu- i partikularnan, anto pa otro propietario di monumento. P'esei ta esensial pa pone sufisiente medio finansiero pa konservashon di monumento na Boneiru, Saba i Sint-Eustatius. Sin apoyo finansiero struktural, mantenshon di patrimonio ta keda mará na proyekto insidental i empeño individual. Esaki tin komo riesgo ku monumento i opheto balioso ta bai pèrdí.

Konsiderashon 3: Adaptashon di e lei aktual òf konektá na e Lei di Patrimonio

E di tres konsiderashon ta trata e eskoho entre adaptashon di e Lei di Monumento BES aktual òf konekshon ku (òf tumamentu ofer) e asina yamá Lei di Patrimonio Boneiru, Saba i Sint-Eustatius.

E evaluashon ta trese dilanti ku e Lei di Monumento BES den su forma aktual i riba papel, ta ofresé un bon base hurídiko, pero ku su ehekushon na e islanan ta faya. E ta faya ya komo tin eskases di kapasidat, medio, konosementu i prosedura bon kla. Banda di esei tin diferensha entre e islanan BES i Hulanda europeo, mas tantu den e área di finansiamentu, integralidat i aktualidat di legislashon. Na e islanan tin nesesidat pa por tin definishon bon kla i prosedura transparente. Ta eksperensiá e lei aktual komo limitá i opsoleto, por ehèmpel pasó ta hasi uso di un término di 50 aña. Na Hulanda europeo e Lei di Patrimonio ta brinda un kuadro aktual pa konservashon di monumento, ku posibilidat di supsidio bon kla, anto un ròl aktivo pa e Reino. Na Hulanda karibense e posibilidatnan pa finansiamentu ta limitá.

E di tres konsiderashon tin dos opshon prinsipal:

1. *Adaptashon di e Lei di Monumento BES aktual*

Adaptashon di e Lei di Monumento BES aktual ta ofresé komo benefisio ku por amplia definishon i por hasi prosedura mas transparente. Asina ta surgi mas espasio pa protegé otro

diferente dominio di patrimonio adekuadamente. Por pensa riba patrimonio marítimo, ambiental i inmaterial. Protekshon di patrimonio por wòrdu ankrá mihó mediante planifikashon den e Lei di Monumento BES tambe. Na e momentu akí Boneiru, Saba i Sint-Eustatius ya tin posibilidat pa protegé patrimonio pa medio di e asina yamá *ruimtelijk ontwikkelingsplan* (ROP). No por basha e edifisionan ku ta riba e lista di opheto ku ta digno pa protegé abou. E ahustenan akí ta sòru pa e legislashon reflehá e diferenshanan kultural, di maneho i práktiko entre Bonaire, Saba i Sint-Eustatius. Ademas por eliminá inklaridat tokante kiko esaktamente ta kai bou di monumento, anto kon ta asigná i protegé monumento. Esaki ta engrandesé ehekushon i aseptabilidat. Di otro banda ta asina ku sin finansiamentu struktural i un mihó konekshon na e areglonan di e pais, hopi problema lo keda eksistí. E medionan pa mantenshon i restourashon lo keda limitá, pues lagando propietario di monumento sin sufisiente apoyo. Esaki ta debilitá e apoyo públiko di konservashon di monumento, ya komo e karga pa e propietario di un monumento frekuentemente ta mas grandi ku e benefisionan. Tambe e riesgo ta persistí ku monumento ta deteriorá òf bai pèrdí, ya komo ku su implementashon ta sigui dependé di proyekto i esfuerso individual, na lugá di un sistema struktural i prepará pa futuro.

2. Konektá (parsialmente) ku e Lei di Patrimonio

Konektá ku e Lei di Patrimonio ta ofresé komo gran benefisio ku e islanan BES ta haña akseso na oportunidat struktural i mas ámplio, manera na *SIM-regeling* i *woonhuissubsidie*. Esakinan na e momentu akí ta aksesibel únikamente pa Hulanda europeo. Esaki ta sòru pa igualdat di kondishon pa loke ta trata propietario di monumento (nashonal) na Hulanda karibense i europeo. Anto por oumentá e apoyo i preservashon di monumento signifikativamente. Banda di esei e Lei di Patrimonio ta ofresé definishon bon kla i aktual, motibu pa kua inklaridat tokante kiko esaktamente ta kai bou di un monumento ta wòrdu eliminá. Ademas supervishon i kumplimentu lo por wòrdu organisá di forma mas profeshonal, ya komo por hasi mihó uso di konosementu i eksperiensia di Hulanda europeo, anto ta krea mas uniformidat den aplikashon di konservashon di e monumentonan.

Di otro banda konekshon kompleto ku e Lei di Patrimonio tambe ta presentá desbentaha. E lei akí ta diseñá pa e eskala i kapasidat di Hulanda europeo i ta afektá prinsipalmente loke e gobiènu lokal por i mester hasi. Pa e islanan BES, e Lei di Patrimonio por resultá demasiado kompleho i burokrátiko. Konsekuentemente e karga atministrativo por wòrdu konsiderá komo eksesivo, spesialmente mirando e kapasidat atministrativo limitá i e rekursonan limitá di e islanan. Ademas esaki por pone e outonomia lokal bou di preshon. Ya komo e Lei di Patrimonio ta sali for di punto di bista di un sistema manehá integral i sentral, loke na e momentu akí ainda no ta implementá na e islanan. Importante ta tambe pa tene kuenta ku e diferenshanan den posibilidat finansiero di e propietarionan di monumento i e kapasidat relashoná pa aktua.

Rekomendashon

Rekomendashon 1: No fókùs únikamente riba implementashon di e lei, pero sòru tambe pa e problemanan di implementashon wòrdu tratá.

Den e párafo akiriba nos a menshoná dos posibel direkshon pa adaptá e marko hurídiko. Alabes e ehekushon di konservashon di monumento ya kaba ta faya na e islanan pa motibu di falta di kapasidat, konosementu i medio. Tur dos lei ta pidi pa konseho di monumento aktivo, registro bon mantené, dunamentu di pèrmit, supervishon i mantenshon. Anto pa esaki mester

kumpli ku e kondishonnan básiko. Banda di esei e Lei di Patrimonio a wòrdu diseñá a base di e eskala, kapasidat i konteksto atministrativo di Hulanda europeo. E islanan karibense ta muchu mas chikitu i p'esei nan tin ménos kapasidat di atministrashon públiko i tin diferensha den e kapasidat di aktuashon. P'esei implementashon di e Lei di Patrimonio sigur no ta un solushon pa e problemanan aktual di ehekushon. Es mas, tarea i obligashon adishonal por sobrekargá e gobièrnunan lokal si no invertí alabes den konosementu, personal i medio.

Rekomendashon 2: Invertí den kapasidat di ehekushon: (re)aktivá konseho di monumento, drecha registro i traha riba konosementu i kapasidat lokal.

Fortalesementu di kapasidat di ehekushon ta esensial pa konservashon di monumento na Boneiru, Saba i Sint-Eustatius. Irespekto di kua forma duna esaki. Den práktika esaki ke men ku mester (bolbe) aktivá e konsehonan di monumento, pa di e manera ei por asigná monumento nobo i por aktualisá e registronan eksistente, anto por hasi nan aksesibel. Tambe ta posibel pa kombiná e konseho di monumento ku un komishon di monumento, ku por konsehá tokante kambio na monumento den kuadro di pèrmit. Esaki ta un opshon ku ta wòrdu investigá na Saba. Aktualisashon i publikashon di e registronan ta aportá na klaridat tokante ta kua opheto realmente ta protegé. Loke no únikamente ta mehorá implementashon, pero tambe e apoyo entre propetario di monumento i e komunidat. Banda di esei ta nesesario pa invertí den konosementu i kapasidat lokal. Hopi opstákulo den implementashon – manera falta di supervishon i kumplimentu inadekuá, dunamentu di pèrmit i mantenshon – ta debí direktamente na falta di personal spesialisá i insufisiente konosementu di lei i legislashon. Invertiendo den enseñansa, dokumentá konosementu i eksperensia, anto desaroyá spesialista (manera un inspektor di patrimonio) por drecha e kalidat di e konservashon di monumento di manera struktural.

Rekomendashon 3: Sòru pa modelo disponibel

Un mehora struktural di konservashon di monumento na Boneiru, Saba i Sint-Eustatius ta pidi pa disponibilidat di sufisiente medio. Esaki ke men ku no únikamente mester tin finansiamentu insidental pa proyekto individual, pero un presupuesto struktural pa mantenshon (duradero), restourashon i reforsamentu di e forsa di ehekushon. Tantu gobièrnu lokal komo propietario partikular mester por konta ku apoyo finansiero, den forma di por ehèmpel supsidio, préstamo ku interes abou òf bentaha fiskal. Banda di esei ta importante ku tin medio disponibel pa kreamentu di konosementu i kapasidat lokal (weta rekomendashon 2).

Rekomendashon 4: Invertí den konsientisashon i edukashon

Sigun e evaluadónan engrandesementu di konsientisashon i edukashon rondó di patrimonio ta un kondishon esensial pa konservashon di monumento éksitoso. Tin hopi siudadano, legisladó i esnan ku mester efektuá kumplimentu di lei, ku no sa kiko esaktamente un monumento ta òf pakiko protekshon di monumento ta nesesario. Sin aseptabilidat i konosementu den e gruponan akí, e lei no lo tin masha efekto. Dor di invertí den edukashon – por ehèmpel den enseñansa, kampaña pa públiko, lès tokante patrimonio i evento lokal – por distribuí konosementu tokante historia, signifikado i preservashon di patrimonio ampliamente. Esaki ta kontribuí na un mihó partisipashon di e komunidat, ta fomentá orguyo pa e patrimonio lokal i ta oumentá e probabilidat ku e komunidat ta komprometé aktivamente na e konservashon i mantenshon. Ademas informashon ku ta bon kla i aksesibel ta yuda e propietarionan i partidonan interesá pa komprondé nan derecho- i obligashonnan mihó. Konsientisashon i edukashon ta forma e base di un polítika patrimonial sostenibel i duradero. Unu den kua e patrimonio no únikamente ta protegé pa regla, pero ta konta tambe ku apoyo

di e sosiedat. Por analisá si por logra esaki pa medio di un alineashon mas grandi ku e agendanan kultural ku tin na e islanan, anto por ehèmpel pa medio di e coachnan di kultura ku ya a wòrdu introdusí na e islanan.

Rekomendashon 5: Revisá e artíkulonan di e Lei di Monumeto si esaki ta apliká na Boneiru, Saba i Sint-Eustatius

Na kabamentu di e rapòrt na kapítulo 6 tin un resúmen di e mehoranan deseá pa kada artíkulo di e Lei di Monumento BES, manera menshoná den e entrevistanan. Pa mas komodidat nos ta referí na e pasahe korespondiente na kapítulo 6.

1 Introduction

1.1 Background

Background

Preserving cultural heritage is essential for keeping alive the history, identity, and traditions of a community and passing them on to future generations. It also enables societies to learn from the past and strengthens the sense of connectedness within the community. On the BES islands, residents and local policymakers have safeguarded and preserved a considerable amount of heritage despite having relatively limited resources and capacity. The legal framework for cultural heritage preservation on Bonaire, St. Eustatius and Saba is the *Monumentenwet BES*, within which the Public Entities shape their heritage care responsibilities (built, archaeological, and movable heritage).[10] Article 2 of the Act stipulates that the Island Councils must adopt a "monuments island ordinance, which provides for measures to preserve monuments and cityscapes/villagescapes." Since these provisions entered into force in 2010, no evaluation has taken place.

Overview of the Monumentenwet BES

The Monumentenwet BES[11] is based on the 1989 Monument Ordinance of the former Netherlands Antilles. As a result, it largely maintains the classical system of monument protection and covers not only immovable heritage but also movable heritage, archaeology, and museum objects. In the European Netherlands, the Heritage Act (2016) forms a whole with the Environmental and Planning Act. Since 2016, the regulatory systems in European and Caribbean Netherlands have diverged further. The designation process also differs: in European Netherlands, national monuments are designated by the Ministry of Education, Culture and Science, alongside municipal monuments, whereas on the islands, monuments are designated by the Executive Council, advised by the monuments council.

Differences in Financial Support between Caribbean and European Netherlands

A key difference lies in the financial support available to monument owners. In European Netherlands, owners of national monuments can apply for low-interest loans for restoration or sustainability measures through the National Restoration Fund (NRF). In addition, Ministry of Education, Culture and Science and the provinces provide subsidies for the maintenance of national monuments. In Caribbean Netherlands, the NRF currently manages a one-time fund from which low-interest loans are provided to business owners of monuments and/or culturally valuable properties. This is not structural financial support. Monument owners in Caribbean Netherlands are also eligible for certain tax advantages under the Income Tax Act.[12]

In European Netherlands, the Heritage and Government programme was recently launched to strengthen capacity and expertise on heritage within municipalities and provinces. The intention is to use this evaluation of the Monumentenwet BES as the starting point for the Caribbean Netherlands component of that programme. Limited resources are available for improvement proposals arising from this evaluation.

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10 Built heritage comprises both monuments and protected townscapes, while archaeological heritage includes both terrestrial and underwater archaeology.

11 The Monumentenwet BES was originally drafted for the former Netherlands Antilles.

12 https://zoek.officielebekendmakingen.nl/kst-32156-128.html

1.2 Purpose and Research Questions

Purpose of the evaluation of the Monumentenwet BES

The goal is to map the needs, wishes, challenges and opportunities relating to the Monumentenwet BES for the period 2010–2024. The evaluation covers buildings, archaeological sites, other objects and movable heritage on Bonaire, St. Eustatius and Saba. The scope is broader than merely assessing whether the Act itself suffices: it also concerns how and by whom the Act is currently implemented (for the domains of built heritage, archaeology and collections), the state of the island ordinances, how the Act works in practice in combination with those ordinances, and whether it functions well, including the instruments used (knowledge, finance, designation, aesthetics policy, permitting, participation).

Research Questions

The research questions set for this study are:

1. How was the Monumentenwet BES developed?
   a. What considerations underpinned its development?
   b. Which parties were involved?
   c. Which instruments were used in the period 2010–2024?
2. How do the main stakeholders assess the functioning of the Monumentenwet BES ?
3. How does the Monumentenwet BES function compared to other laws, regulations and subsidies aimed at heritage care in European Netherlands and in the countries (Curaçao, Aruba and Sint Maarten) of the Kingdom?
4. To what extent is it desirable to extend the applicability of the Heritage Act to Caribbean Netherlands?
5. What lessons can be drawn from the functioning of the Monumentenwet BES in 2010–2024?

1.3 Summary of the Research Process

1.3.1 The study consists of two phases

Phase 1: Structuring and Scoping

Conducted in May and June 2025. In this phase, objectives and scope were aligned with the commissioning authority, and a desk study and scoping interviews were conducted. The aim was twofold: to gather information on the background and operation of the Monumentenwet BES and to prepare the second phase. Based on the insights gained, an inception report was drawn up and shared with the guidance group, providing the basis for planning and preparing data collection on the islands.

Phase 2: Data Collection and Analysis

In the second phase, from July to October 2025, in-depth interviews were conducted, results were analysed with ATLAS.ti, and the draft report was produced. In total, 58 interviews were conducted. Between 22 August and 19 September, the evaluation team held 47 interviews on Bonaire, Saba, St. Eustatius, Curaçao and St. Maarten. Eleven additional interviews were conducted in European Netherlands. On each island, a final meeting was held with the public entities' contact person, during which preliminary findings and legal framework points were

discussed. Table 1.1 shows the number of interviews by island and country. Annex 1 lists all interviewees.

Table 1.1 Number of interviews conducted in the European Netherlands and per island

Island / Country	Number of Interviewees
Bonaire	12
Saba	10
St. Eustatius	11
European Netherlands	11
Aruba	3
Curaçao	8
St. Maarten	3
Total	**58**

Reports were drafted for each interview and returned to interviewees for verification. The reports were then coded by two team members using ATLAS.ti, based on a jointly developed codebook derived from the SCP model.

In October 2025, a draft report was produced based on the interviews and literature review. On 6 November, the draft was discussed with the monitoring committee, comprising representatives of Ministry of Education, Culture and Science, the Public Bodies of Bonaire, St. Eustatius and Saba, the National Restoration Fund (NRF) and the Cultural Heritage Agency of the Netherlands (RCE). This discussion resulted in the present final report.

1.3.2 Limitations of the Research

A broad picture of the operation, bottlenecks and opportunities of the Act was obtained; however, some methodological caveats apply.

On some islands, current and complete documentation on monuments and heritage policy is lacking, making it difficult to form a complete and reliable picture.

The evaluation is largely based on interviews; findings may therefore reflect personal experiences, perceptions and recollections, which can be subjective and may not cover the entire period.

Differences in context, policy and implementation mean that comparisons between European Netherlands, the BES islands and the other countries within the Kingdom (Curaçao, Aruba and St. Maarten) are sometimes difficult.

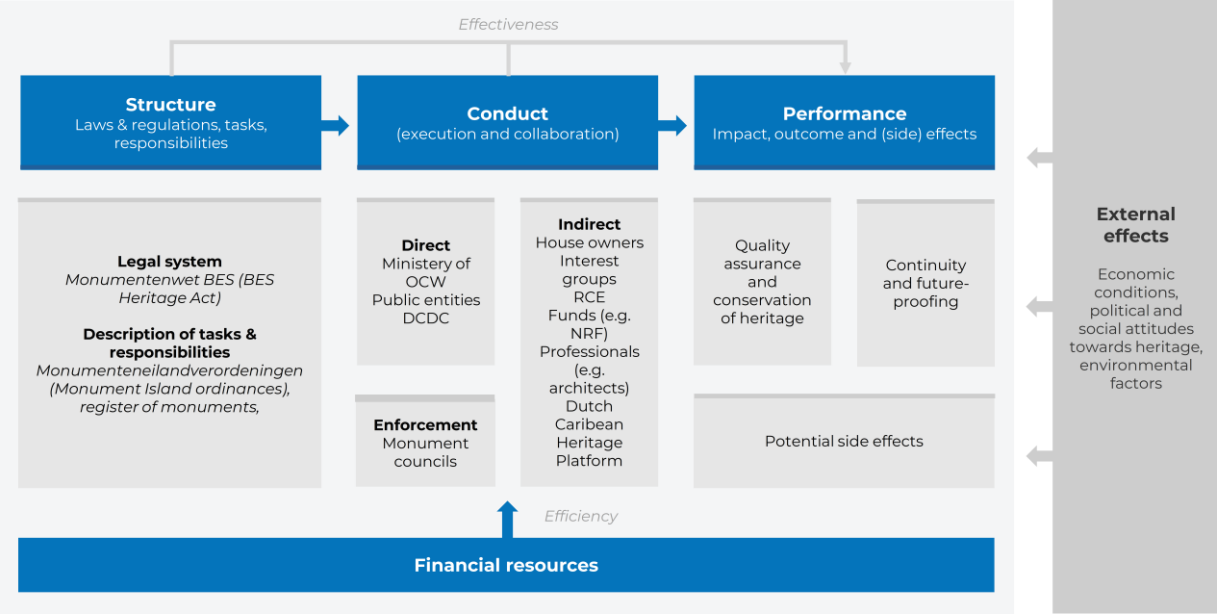
1.3.3 Background to the Methodological Framework

This evaluation uses the SCP model (Structure–Conduct–Performance) as the analytical framework (see Figure 1.1). The model helps identify strengths, weaknesses, bottlenecks and opportunities of the Monumentenwet BES, clarifying the link between the legal framework (structure), the behaviour and cooperation of actors (conduct) and the outputs and outcomes (performance). It also structures Chapters 3–5.

To assess effectiveness and efficiency, the model is complemented by definitions and principles from the Regulation on Periodic Evaluation Research (RPE). With regard to efficiency, we do not look specifically at financing but at opportunities to organise implementation more efficiently.

According to the model, the operation and impact of legislation depend on how tasks are carried out and how the various parties cooperate. This approach allows bottlenecks to be identified: for example, insufficiently delineated tasks and responsibilities (structure) or a lack of expertise and capacity (conduct), which can lead to poor maintenance or even loss of monuments (performance). In some cases, these issues reinforce each other.

Figure 1.1 Analytical framework based on SCP-model and RPE



In our approach to the evaluation, we examine what information is available for each part of the evaluation framework. On the one hand, we make use of facts, figures, and existing reports; on the other hand, we gather experiences, opinions, and feedback from stakeholders. Wherever possible, we ask respondents to support their insights with factual data or concrete examples.

1.4 Reading Guide

Chapter 2 focuses on Research Question 1 and discusses the origins of the Monumentenwet BES as well as its content and implementation.
Research Question 2 (stakeholder assessment) is addressed in Chapters 3–5, looking at experiences with implementation and the resulting outputs and effects on each island.

Chapter 6 examines experiences with heritage care in European Netherlands and in the countries Curaçao, Aruba and St. Maarten (Research Question 3) and discusses the operation and applicability of the Heritage Act in Caribbean Netherlands (Research Question 4).

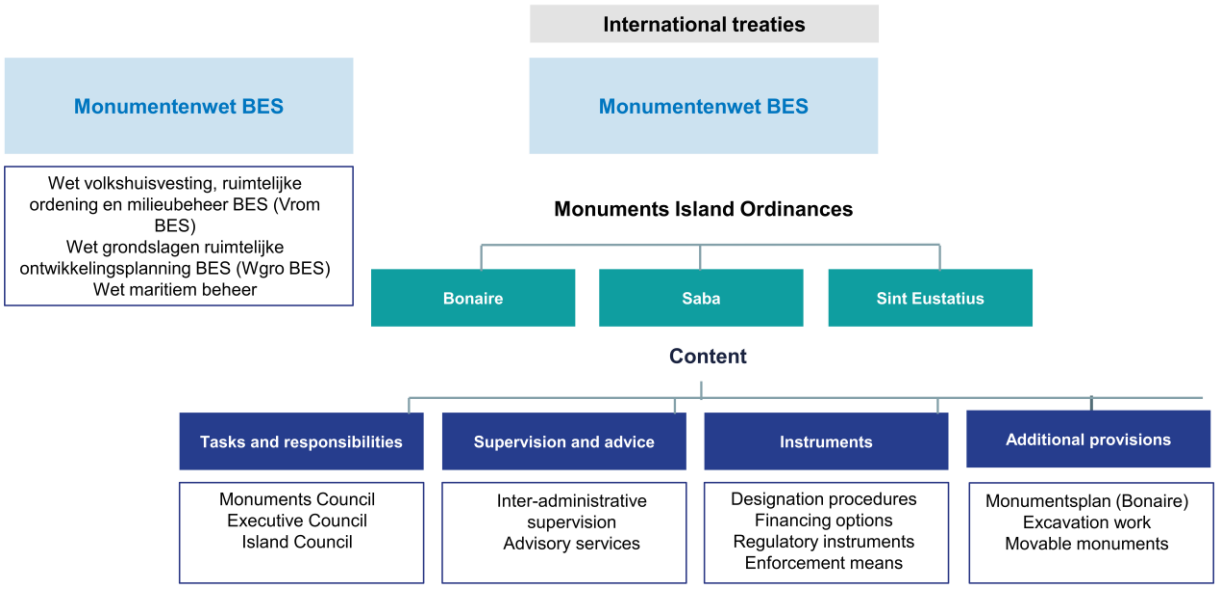
Chapter 7 presents the main conclusions of the analysis. These are translated into concrete recommendations to optimise the operation of the Monumentenwet BES and broader heritage care on Bonaire, St. Eustatius and Saba, thereby answering Research Question 5 (lessons learned).

2 Legal and Policy Framework for Bonaire, Sint Eustatius and Saba

In this chapter, we describe the legal and policy framework for heritage conservation in Bonaire, Sint Eustatius and Saba. We discuss the development of the legislation, the character and content of the legislation, the tasks and authorities of various stakeholders, and the instruments available. We also explain how the Monuments legislation relates to other legal and policy frameworks, including spatial planning, construction law and maritime legislation. Practical experiences and reflections on these legal and policy frameworks are discussed per island in the following chapters.

Figure 2.1 provides a high-level overview of the structure of the legislation. The text below further elaborates on this.

Figure 2.1 Overview of the Monumentenwet BES legal framework



2.1 Development of the Legislation

The Monumentenwet BES entered into force in 2010.[13] Prior to this, in 2008, the cabinet decided to make eight million euros available for the Caribbean part of the Kingdom of the Netherlands. This funding was provided as a low-interest loan through the National Restoration Fund (NRF) for restoration work on protected monuments owned by corporate entities and non-private owners. The NRF does offer low-interest loans to commercial owners, but private homeowners often do not qualify, as not all are expected to be able to carry a mortgage. In a few cases, the funding was also provided as direct financing in Bonaire, Sint Maarten and Sint Eustatius.

[13] Monumentenwet BES, see: https://wetten.overheid.nl/BWBR0028429/2010-10-10

In the first phase of the constitutional transition of the Netherlands Antilles, priority was given to basic societal conditions such as the rule of law, justice and education. It was therefore decided to continue using the legislation already present on the islands, as it was not feasible to examine its contents extensively and because staying close to the core was preferred. The existing legislation on the islands was considered sufficient in value and substance and allowed buildings to be designated as monuments, thereby qualifying them for financial resources from the eight-million-euro allocation. At that time, it was also examined whether the content of the Monumentenwet BES aligned with applicable treaties, such as the Valletta Convention.

The Monumentenwet BES is a copy of the 1989 Monuments Island Ordinance of the Netherlands Antilles. This ordinance applied to Sint Eustatius prior to the entry into force of the Monumentenwet BES and was considered appropriate for Bonaire, Sint Eustatius and Saba. At that time, Saba and Bonaire were governed by the 1977 Monuments Island Ordinance of the Netherlands Antilles. This 1977 ordinance differs from the 1989 ordinance, primarily in the protection of monuments and the procedures for their designation and management. The 1989 version introduced a more detailed procedure and a broader definition of what could be considered a monument.

The development of the Monumentenwet BES was led by the Ministry of Education, Culture and Science, which is responsible for the legislation. The Ministry of the Interior and Kingdom Relations was also involved in drafting the law. The ministry of the Interior and Kingdom Relations compiled a list of laws that needed to be converted for the transition to the new constitutional status of Bonaire, Saba and Sint Eustatius; the Monumentenwet BES was one of these. Additionally, the Ministry of Justice and Security held a coordinating role in the development of all legislation during the administrative transition in 2010. It should be noted that before the administrative transition, the administrative centre of the Netherlands Antilles was located on Curaçao, meaning legislation was largely drafted by Curaçao-based staff and from a Curaçaoan perspective.

At the time, it was intended that the Monumentenwet BES would be revised after the constitutional transition. However, to date no substantive amendments have been made to the Monumentenwet BES.

2.2 Character and Content of the Legislation

The policy framework for heritage conservation in Bonaire, Sint Eustatius and Saba consists of: (1) the Monumentenwet BES, (2) monuments island ordinances, (3) the Culture Covenant and accompanying cultural agendas, (4) several ratified international treaties, such as the Granada Convention[14], the Valletta Convention[15], and the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage, and (5) not-yet-ratified treaties, including the UNESCO Convention on the Protection of the Underwater Cultural Heritage[16] and the Faro Convention.

[14] https://wetten.overheid.nl/BWBV0002624/1994-06-01
[15] https://wetten.overheid.nl/BWBV0002031/2007-12-12
[16] https://wetten.overheid.nl/BWBV0006655/2001-11-02

Below is an extensive description of the legal and policy framework for heritage conservation on Bonaire, Sint Eustatius and Saba.

2.2.1 *Monumentenwet BES*

The purpose of the *Monumentenwet BES is the protection of built and archaeological monuments, cityscape/villagescape, and movable heritage in Bonaire, Saba and Sint Eustatius. This is accomplished through the designation of protected monuments and by establishing rules for their preservation, management, supervision and public accessibility.*

According to Article 1a of the Monumentenwet BES, monuments are: *"movable and immovable objects created at least fifty years ago and considered to be of general interest due to their beauty, artistic value, scientific relevance, historical significance, or ethnographic value, including archaeological heritage."* Archaeological heritage includes structures, objects or remains that—alone or in relation to their site—indicate human activity that occurred in the past, in any case at least fifty years ago. Monuments are protected once registered in the registers established under the monuments island ordinances (Article 1d).

Groups of immovable monuments can also be protected; in that case they are considered protected cityscapes/villagescapes, defined as groups of immovable objects—including trees, roads, streets and squares—which, together with one or more monuments belonging to the group, form a scene of general interest due to the beauty or character of the whole.

The island councils of Bonaire, Sint Eustatius and Saba are responsible for drafting and adopting island ordinances that provide for the preservation of monuments and cityscapes/ villagescapes, including rules for designation, publication and registration, and for informing owners and stakeholders.

2.2.2 *Monuments Island Ordinances*

In the island heritage ordinances, the rules are further elaborated at the local level. Bonaire, St. Eustatius, and Saba have each established their own Monument Ordinances. Saba's Monument Ordinance was adopted in 2010, Bonaire's was amended in 2011, and Sint Eustatius' in 2020. Below, we discuss the main elements of the island heritage ordinances and their key differences.

The definitions used in the island heritage ordinances for monuments and heritage differ from the Monumentenwet BES for two of the three BES islands:

- In the Monument Ordinance of Sint Eustatius, archaeological heritage is not included in the definition of monuments. This differs from the Monumentenwet BES as well as the Monument Ordinances of Saba and Bonaire.
- The definitions of monuments and heritage in Bonaire's Monument Ordinance differ in two respects. On Bonaire, an area may also be designated as a monument if it contains valuable objects. In addition, a definition of maritime archaeological heritage has been added based on the UNESCO Convention.

Section 2.2.4 further specifies the instruments available under the Monumentenwet BES and the island ordinances.

2.2.3 *Culture Covenant Caribbean Netherlands and Cultural Agendas*

In 2022, the State Secretary for Culture and Media signed a Culture Covenant with the three public bodies, following the earlier Culture Guide (Bonaire 2017).[17] The 2022 covenant (2022–2025) focuses on preserving and strengthening cultural diversity and heritage and on stimulating cultural participation and education. Parties agreed that establishing a basic cultural infrastructure is a shared responsibility. Each island will prepare a cultural agenda outlining priorities for international cooperation, cultural education, cultural heritage, libraries, digitization and archival storage; the State Secretary has offered the expertise of the Cultural Heritage Agency (RCE). Based on the covenant, each island has drawn up a cultural agenda for 2024–2028. Monthly meetings are held between the public bodies, the Ministry of Education, Culture and Science and the RCE regarding progress. Priorities include:

- On all islands, one of the priorities is to give culture and heritage a stronger position within the public entity. Bonaire's cultural agenda specifically mentions establishing a heritage office within the Spatial Development policy department (R&O) to develop new heritage policy. St. Eustatius intends to place culture and heritage within the Department of Culture and Events (DCE), and Saba within the Department of Community Development and Culture (DCDC). In addition, guidance from the Cultural Heritage Agency of the Netherlands (RCE) is requested.
- The islands also aim to strengthen the cultural infrastructure by adopting participatory approaches to support broader decision-making regarding heritage, and by strengthening and increasing the visibility of implementing organizations related to movable and immovable heritage, as well as intangible heritage.

2.2.4 *International Treaties*

The following international conventions apply to the Caribbean Netherlands:

The 1972 UNESCO World Heritage Convention.

- The aim of this convention is to protect and preserve heritage of outstanding universal value for humanity for future generations. The Netherlands ratified the convention in 1992.
- The Council of Europe's Granada Convention of 1985. This convention provides a broader definition of heritage, applicable to buildings and structures, groups of buildings, and landscapes with cultural-historical value. It contains provisions regarding inventory, documentation, protection, and restoration. The Netherlands ratified the convention in 1994.
- The Council of Europe's Valletta Convention (1992). This convention aims to safeguard and protect archaeological heritage, including movable heritage. The Monumentenwet BES aligns with this convention. The Netherlands ratified the convention in 2007.
- The European Landscape Convention (2000). This convention seeks to protect natural, rural, and urban landscapes because of their importance in shaping identity. It covers both land and water. The Netherlands ratified the convention for the European part of the Netherlands in 2005.

[17] https://www.rijksdienstcn.com/onderwijs-cultuur-wetenschap/cultuur-en-media/cultuurhandreiking#:~:text=De%20handreiking%20Cultuur%20in%20Caribisch,voor%20informatie%2C%20subsidie aanvragen%20en%20meer.

Two additional treaties are awaiting ratification before they will apply to both the Caribbean and European Netherlands: The Faro Convention (signed by the Dutch government in 2024; expected ratification in 2026) and the UNESCO Convention on the Protection of the Underwater Cultural Heritage (2001).

2.3 Tasks and Powers

2.3.1 Stakeholders, tasks and responsibilities

The Minister of Education, Culture and Science is responsible for the Monumentenwet BES, but does not have the authority under the Act to designate protected monuments in Bonaire, Sint Eustatius or Saba. This authority lies with the public bodies, which are responsible for drafting and implementing the island ordinances and for designating monuments.

In addition to the formal governance laid down in the island ordinances, inter-administrative supervision contributes to proper execution of statutory tasks and, where supervision of co-governance is concerned, to safeguarding unity of administration. The Ministry of the Interior and Kingdom Relations has, alongside its own tasks, a coordinating role for national policy affecting the Caribbean Netherlands.

Table 2.1 Formal governance of heritage management as defined in the island ordinances

Island	Institution	Role	Reporting	Specific provisions
Bonaire	Monuments Council	Advises Executive Council and Island Council on monuments, townscapes, archaeology and maritime heritage; may give solicited and unsolicited advice.	At least once per year: report on monuments and their condition to the Executive Council and Island Council.	Secretary is Head of Spatial Development. Executive Council may assign administrative support.
	Executive Council	Drafts Monuments Plan; designates monuments; manages register; grants permits; enforcement.	Annual progress report before 1 June to the Island Council. Every four years: Monuments Plan.	Authorized to impose costs; enforcement powers established.
	Island Council	Approves the Monuments Plan.		Authorized to adopt development, elaboration or amendment plans designating protected cityscapes/villagescapes.

Island	Institution	Role	Reporting	Specific provisions
Saba	Monuments Council (not yet established)[18]	Will advise the Executive Council on monuments, townscapes and permits; will also serve as monuments committee.	Issues advisory reports to the Executive Council on the condition of monuments.	Administrative support by the Executive Council; members appointed based on expertise.
	Executive Council	Designation, registration and publication of monuments; permitting; supervision and enforcement.	At least once per year: report to Island Council on condition of monuments.	Cadastre notification obligation; register managed by Infrastructure & Spatial Planning of the Public Entity Saba.
	Island Council	Establishes island regulation and budget.		
Sint Eustatius	Monuments Council	Advises Executive Council and Island Council on monument matters; procedures regulated by island decree.	Issues advisory reports to the Executive Council on the condition of monuments.	Members appointed based on expertise; procedures regulated by island decree.
	Executive Council	Designation and registration of monuments; permitting and public participation.	At least once every two years: report to Island Council on condition of monuments.	Register is public; registration requirements established; may establish additional committees.
	Island Council	Designation of protected cityscapes/villagescapes		Authorized to establish additional committees.

2.3.2 *Supervision and Advisory Structures*

Supervision of compliance with the law is the responsibility of the Executive Council, which may appoint individuals to carry out supervisory tasks. Article 13 of the Monumentenwet BES states that designated supervisors may request any information, documentation or objects necessary for fulfilling their duties.

The public bodies of Bonaire, Sint Eustatius and Saba have a special position within the Dutch constitutional system. They are not part of a province. Instead of provincial oversight, a system of generic supervision applies, whereby the Kingdom Representative in the Caribbean Netherlands acts as the administrative link between the national government and the island authorities.

[18] The Monuments Council has not yet been established on Saba. It is intended that the Monuments Council will also provide advice on permits relating to alterations to monuments, thereby also fulfilling the role of a monuments committee.

2.4 Instruments

2.4.1 Designation Procedures

Monument Council

All monuments island ordinances stipulate that a Monument Council must be established. Members are appointed by the Executive Council and must possess expertise in the relevant fields. The Monument Council advises the Executive Council and the Island Council, either upon request or on its own initiative. The Bonaire ordinance specifies a council of at least five and at most seven members, appointed for two years.

Designation as a protected monument or cityscape/villagescape

The designation of a protected monument or cityscapes/villagescapes is carried out as follows under the legislation:

- Monuments may be designated as protected—either upon request by an interested party or independently—by the Executive Council.
- The Executive Council then seeks advice from the Monuments Council and provides justification for why a monument should be designated. On Bonaire, it is specified that the following criteria are used in the assessment: 1)cultural-historical values 2) architectural values 3) ensemble value 4) unique value 5) integrity/wholeness
- The Executive Council subsequently makes a decision within a period of six months.On Bonaire, no time limit is specified for how long the Executive Council may take to reach a decision.
- The parties involved are then notified in writing of any decision. The decision to designate is made available for public inspection for six weeks, during which interested parties have the opportunity to lodge an objection.

Protected monuments and designated cityscapes/villagescapes are recorded in public registers. The register includes the heritage value of the property and the grounds on which the decision to protect this value was made. A distinction is made in the register between immovable and movable monuments. The layout of the register is determined by island decree. The Executive Council is authorized to make amendments to the register after consulting the Monuments Council. This procedure is the same on all islands.

With regard to protected cityscapes/villagescapes, the ordinances additionally state that regulations for the protection and preservation of these areas may be included in spatial development plans.

2.4.2 Financing Options

Financing Options in the Monumentenwet BES

The Monumentenwet BES includes provisions for compensation of maintenance and restoration costs and compensation for damage to movable protected monuments on loan to a public entity. These options are further elaborated in the monuments island ordinances.

Financing Options in the Monuments Island Ordinances

The Bonaire ordinance states that owners may submit a request for reimbursement to the Executive Council. A multi-year programme sets norms, budget allocations, priorities and rules. The Saba and Sint Eustatius ordinances also contain provisions on reimbursement, but in less detail.

Other Financing Options

The NRF is, in terms of scale, the largest external funding source—and the only one at the national government level—for owners of monuments and culturally or historically valuable buildings on Bonaire, Saba and Sint Eustatius. The fund provides loans under favorable conditions for the maintenance and restoration of protected monuments and characteristic buildings. In addition, it offers knowledge and information to owners and local governments to stimulate sustainable management, meaning that monuments and characteristic buildings are restored and maintained in a future-proof and sustainable manner. This funding source is only accessible to commercial owners, not to private homeowners. Moreover, these are not structural funds.

Private individuals who own a protected monument for their own residence are entitled to tax deductions. This is based on the BES Income Tax Act, which entered into force on 1 January 2011. As a result of this law, certain costs are deductible as personal expenses. However, to make use of this provision, monuments must have been designated as protected. In the past, this tax deduction also existed in the European Netherlands, but with the introduction of the Heritage Act it was abolished. Instead, the home-owners' subsidy applies in the Netherlands (see further explanation of the Heritage Act in Chapter 6).

In addition to loans, there are one-off grants and contributions available from, for example, the Heritage Deal (RCE) or the Regional Deal (VRO) for specific projects, such as the restoration of monuments with high cultural-historical value or projects that strengthen community engagement. These grants are often project-based and limited in size. For example, Bonaire has been allocated more than USD 2.1 million from the Heritage Deal for the project Di Boneiru, Pa Boneiru, in which historical buildings in Rincon are part of an approach to address the housing shortage. In addition, the Ministry of Education, Culture and Science has made 1 million euros available through the NRF for a pilot to financially support private homeowners of monuments and culturally valuable buildings on the BES islands. The Ministry of Education, Culture and Science, RCE and NRF are currently working on a regulation in which the RCE is expected to issue the subsidy and the NRF will handle the payments.

The island governments of Bonaire, Saba and Sint Eustatius may also allocate funds in their annual budgets for heritage conservation, typically within the culture or spatial planning sectors. However, these budgets are relatively limited and mainly aimed at supervision, policy development and minor maintenance work. Additionally, one-time funding has been made available in 2025 by the national government for the implementation of the cultural agendas, which also include heritage-related priorities, as well as through the Regional Deals with Bonaire, Sint Eustatius and Saba. Private initiatives can also contribute to investment in maintenance and restoration, for example through partnerships with Stichting Cocari II on Bonaire or with local entrepreneurs who repurpose buildings

2.4.3 *Regulatory Instruments*

Permit Requirement and Duty of Care in the *Monumentenwet BES*

Once a monument or cityscape/villagescape has been designated, a permit is required for any alterations. Without a permit from the Executive Council it is prohibited to demolish or relocate, destroy or damage, modify in any respect, or to restore, use or allow use in a manner that disfigures or endangers a protected monument or cityscape/villagescape. Excavation work is also prohibited if it conflicts with the permit requirement.

A duty of care applies. Owners of protected monuments must ensure sufficient maintenance and repair to prevent deterioration. The Executive Council may enforce maintenance at the owner's expense if, within three months after a formal warning, no action has been taken. Regarding movable monuments, the law states that the finder must notify the Executive Council within three days.

Movable monuments may be temporarily transferred to an appropriate storage facility on instruction of the Executive Council, and owners may be required to loan movable monuments to the public entity.

Permit Requirement and Duty of Care in the Monuments Island Ordinances

On all three islands, a permit requirement applies for substantial alterations, including demolition, damage, modification, relocation, or restoration that may harm the monument's value.

In Saba and Sint Eustatius, the ordinance also allows the Executive Council to require owners of protected monuments to repair or reinforce monuments if they are dilapidated or neglected. In the Bonaire ordinance these provisions are elaborated further: owners are obliged to perform maintenance and repair without the Executive Council first needing to take a decision; if owners fail to do so, the Executive Council may issue a formal written warning requiring maintenance and repair.

For all three islands, when a permit is requested to demolish a protected monument, wholly or partially, without restoration, the Monument Council must be consulted. In Bonaire, the Monument Council must also be consulted when an exemption is requested to excavate, remove, relocate, damage, or otherwise disturb archaeological or maritime archaeological heritage.

Additionally, the Executive Council must report to the Island Council on the state of the monuments: at least once per year on Bonaire and Saba, and once every two years on Sint Eustatius. On Saba and Sint Eustatius, the Monument Council provides advice for these reports.

2.4.4 *Enforcement Instruments*

Enforcement instruments in the Monumentenwet BES

The Monumentenwet BES provides enforcement measures when protection provisions are violated. If a violation occurs, the Executive Council may decide to restore the protected monument, insofar as necessary, to its former condition at the expense of the offender, or recover expenses incurred. In exceptional cases, a violation may be punished with detention of up to one year or a second category fine.

Enforcement instruments in Island Ordinances

Bonaire's ordinance includes provisions for supervision and enforcement. Owners are required to maintain and repair monuments; if they do not comply, the Executive Council may, through a written decision, require them to carry out the necessary work or carry it out itself at the owner's expense. Saba's 2010 ordinance specifies that work on monuments must be performed by qualified professionals; in cases of damage or structural instability there is a duty to notify the Executive Council, which may then take appropriate measures.

2.4.5 *Additional Provisions*

The Bonaire Monuments Island Ordinance contains additional provisions not found in the ordinances of Saba and Sint Eustatius.

- The ordinance requires the Executive Council to prepare a Monuments Plan every four years, outlining the principles of monument policy and listing action points. The Executive Council must also report annually on progress.
- Bonaire also includes rules regarding excavations, discoveries, archaeological heritage and protected movable monuments. These rules specify when excavation work may be performed and how to handle discoveries that constitute movable monuments, which may be transferred to an appropriate storage facility.

Based on the above, the Bonaire ordinance can be considered more comprehensive than those of Saba and Sint Eustatius, particularly regarding financial compensation, permit and care obligations, and monument policy.

2.5 Coordination with Other Policies

Other policy domains are also relevant to heritage conservation on Bonaire, Sint Eustatius and Saba. Cultural heritage may be regulated—aside from the Monumentenwet BES —through the BES Housing, Spatial Planning and Environmental Management Act (Vrom BES), the BES Maritime Management Act and the BES Spatial Development Framework Act (Wgro BES). Under the latter, public bodies develop spatial development plans that include rules for the preservation and restoration of protected townscapes, monuments and cultural landscapes. The national Spatial Development Programme for the Caribbean Netherlands (SDPCN) summarises national spatial policy for the region and serves as guidance for spatial development, recognising heritage as a national interest. The minister may issue directions for the spatial development plans under the Wgro BES and the SDPCN.

2.5.1 *Spatial Planning and Building Legislation*

On Bonaire, Sint Eustatius and Saba, cultural heritage may also be regulated via the Vrom BES Act, which provides a framework for spatial planning, building activities, environmental protection and the management of the physical living environment. This means spatial plans or construction projects must take heritage protection into account.

The Wgro BES and the SDPCN also apply. The Wgro BES requires the public bodies to draw up spatial development plans containing rules for the physical environment. The SDPCN (2024) outlines national spatial policy for the Caribbean Netherlands, aimed at a sustainable and safe spatial structure by contributing to sustainable economic development, a healthy living environment, spatial quality and the protection of cultural and natural values. The SDPCN provides guidance and a framework for spatial development in the Caribbean Netherlands.

The spatial development plans of Bonaire and Sint Eustatius contain rules for the preservation, restoration and quality assurance of protected townscapes, monuments and cultural landscapes, as well as rules to prevent disfigurement, damage and demolition. They also contain rules regarding archaeological heritage, requiring that archaeological values are not, or not disproportionately, affected in spatial developments.

For Sint Eustatius there is a Spatial Development Plan (ROP, 2023) with a protected historic core in Oranjestad and an annex listing 122 heritage-worthy buildings. Bonaire has had a spatial development plan (ROB) since 2010 and is working on a revision expected at the end of 2025. The current ROB lists 637 heritage-worthy buildings; interviews indicate the list has been updated to over 800 objects (not yet published).[19] Rincon and Kralendijk are designated protected areas. Bonaire is also working through the ROB to protect characteristic architectural elements, not just the main form.

Saba has not yet adopted a spatial development plan but has started preparations and is revising the building ordinance to align with the BES Building Decree. Heritage can be integrated into the plan by listing heritage-worthy buildings, including rules on protected cityscapes/villagescapes, protecting culturally and archaeologically important areas and adding demolition rules. Coordination with the monuments trajectory is being sought.

2.5.2 *Maritime Legislation*

Alongside spatial legislation, the BES Maritime Management Act plays a role, particularly for maritime archaeological heritage. The Act provides for the designation of shipwrecks, underwater structures and other historical underwater objects over fifty years old as protected heritage. The Cultural Heritage Agency (RCE) has a statutory advisory role to the island governments under this legislation.

[19] The list included as an appendix to the Spatial Development Plan contains 637 buildings considered eligible for protection. The interviews indicate that this list has recently been updated and expanded to include more than 800 heritage-worthy objects. As this updated list has not yet been published, at the time of writing we have relied on the original list.

2.5.3 *Archaeological Value Maps and Area Biographies*

For all three islands, archaeological value maps have been prepared by the National Archaeological Anthropological Memory Management (NAAM) in Curaçao. The Sint Eustatius archaeological value map is currently being revised.

The public bodies and the RCE are preparing area biographies for Saba and Sint Eustatius, documenting archaeological grounds, historic water locations, plantations, and military forts and batteries, and setting these in historical context. On Bonaire, an area biography has been prepared by Stichting Cocari II for four plantations (not island-wide).

2.5.4 *Other Legislation*

Saba has a building and housing ordinance regulating colour schemes, architecture and materials. In addition, there is a separate ordinance for the Mount Scenery National Park[20], which protects various values, including cultural-historical values.

[20] Island Ordinance Mount Scenery National Park, Species and Artefacts: https://lokaleregelgeving.overheid.nl/CVDR734752?&show-wti=true

3 Heritage Conservation in Practice on Bonaire

3.1 Introduction

This chapter examines heritage conservation in practice on Bonaire. To structure the chapter, we follow the SCP model (see 1.3). Accordingly, we successively address the perspective from the interviews on legislation and policy (structure), how the Monumentenwet BES is currently implemented and the extent to which stakeholders collaborate (conduct), and the outcomes and effects this produces (performance). The findings in this chapter are based on 12 interviews conducted by the evaluation team in August and September 2025.

3.2 Structure: perspective on structure/bottlenecks

Drawing on 12 interviews, this section elaborates practical experiences on Bonaire with respect to the structural aspects of heritage management. It sketches a general picture and highlights specific points for attention or requests for amendments to the legal and policy framework of the Monumentenwet BES.

General points for attention

The interviews indicate that the Monumentenwet BES is experienced as a robust legal foundation. The Act offers sufficient latitude to include provisions in the monuments island ordinance. Nevertheless, several general areas are identified where, in the interviewees' view, the framework could be clarified. First, insufficient use is made of the Act's distinction between the definitions of monuments (Article 1a) and protected monuments (Article 1d), because it was unclear how to interpret the differences. A key question raised is whether ‘monuments’ also includes heritage-worthy buildings or objects. In addition, there is a desire to broaden the definitions and explicitly include landscape aspects, design elements, ensembles and collections in the Monumentenwet BES. Interviewees also note that archaeological heritage receives limited attention compared with the Dutch Heritage Act.

Another recurring point concerns the financing system. Interviewees view a sound financing system as essential to preserve and professionalise heritage management. At present, however, financial provisions are lacking. Interviewees express the wish to align Bonaire's provision level with the European Netherlands by integrating subsidies, loans and other financial programmes into the Monumentenwet BES. One option mentioned is the designation of national (Rijks) monuments. If national monuments are designated, more grant opportunities from central government become available. Examples cited include the government administration building.

Supervision is also mentioned as an important point. Although inter-administrative supervision formally exists through the Kingdom Representative, the provincial tier is absent, and interviewees indicate there is a lack of (agreements on) external oversight. Oversight from the Netherlands is viewed as legitimate if the central government provides resources, but it must be exercised with respect for the local context. Moreover, the Inspectorate of Government

Information and Heritage (formerly the Heritage Inspectorate) has powers only in the European Netherlands under the Heritage Act and cannot intervene on Bonaire, Saba and Sint Eustatius under the Monumentenwet BES.

Specific points for attention/amendments:

The interviews also identified several article-specific points regarding the Monumentenwet BES[21]:

- Article 1 – Amend definitions: the 50-year threshold is considered outdated (broaden 'monument'); align 'cultural heritage' with the Dutch Heritage Act (enabling plantation landscapes); clarify the distinction between monuments (Art. 1a) and protected monuments (Art. 1d).
- Article 2 – Include the basis for designation in the Act itself (e.g., designation where of general interest due to beauty, scientific value or cultural-historical significance).
- Article 3 – Add that registration in the monument register is for identification; explore alternatives for designation when no Monument Council is active.
- Article 5 – Better explain and safeguard pre-designation protection.
- Article 6(2) – Provide clearer frameworks for enforcement and supervision.
- Article 6(3) – While Public Entity Bonaire does not want a statutory subsidy obligation, the field requests concrete financial provisions.
- Article 7(1) – Broaden to include other forms of disturbance, relocation and removal (not only "excavation").
- Article 7(3) – Include observations reasonably presumed relevant to archaeological heritage management.
- Article 9 – Provide that ecclesiastical monument designation occurs after consultation with the owner (rather than after agreement).

3.3 Conduct: implementation and cooperation

Implementation of the Monumentenwet BES and the monuments island ordinance on Bonaire has largely come to a standstill. Interviewees indicated that implementation has been faltering for some time due to a lack of capacity, financial resources, expertise, and administrative prioritisation.

3.3.1 Application of instruments

Since 2018, relatively little has been done with the instruments under the Act because there has been no active Monument Council.

Designation procedures

Without an active Monument Council since 2018, no official monuments can be designated. The law also requires a public monuments register containing designation decisions and summaries, but there is currently no publicly accessible register, causing uncertainty about which buildings are registered and whether they qualify for funding.

[21] In addition to the interviews, Stichting Cocari II prepared a memorandum (on its own initiative) providing input in relation to the evaluation of the Monumentenwet BES. The suggestions included in this memorandum have also been taken into account under the specific points of attention and proposed amendments.

Heritage is safeguarded via spatial planning through the ROB. Rincon and central Kralendijk are protected townscapes, and an annexed list includes 637 heritage-worthy buildings. Interviews indicate the list was updated in 2025 to over 800 objects, including historic wells, pots, furnaces and the structures of the historic salt pans. A spatial structure vision is being prepared, to be followed by an ROB update.

Regulatory instruments

According to the legislation, protected monuments and cityscapes/villagescapes are subject to a permit requirement for any alterations. Only the elements specified in the register description are protected and must, in principle, be preserved. The ROB also includes a construction/demolition permit requirement for objects eligible for protection. In practice, permit issuing presents major challenges. When submitting building applications, architects and contractors structurally assume exemptions, which means that activities such as excavation work may begin without a permit. Procedures have been tightened in recent years, resulting in fewer exemptions being granted, but in practice this still leads to problems.

The duty of care also causes difficulties. Under current legislation, the public entity is responsible for the upkeep of the monumental buildings under its management. In practice, however, this is not done, partly due to a lack of capacity and expertise. Moreover, the lack of funding makes it difficult to carry out mandatory maintenance.

In 2012, restoration guidelines were drawn up, but these were intended only as a source of inspiration. The guidelines contain images of characteristic forms and materials. They were published but not formally adopted, as this was not required. Interviewees indicated that it would be beneficial to start working with a multi-year maintenance plan. There is also a need for a heritage (aesthetics) committee. The question is whether establishing such a committee is realistic, given the current lack of knowledge, expertise and capacity. One possibility is to combine a heritage committee with the Monuments Council.

Financing options

Most of the protected monuments on Bonaire are government-owned. The Public Entity of Bonaire has hardly any resources for maintenance of its own real estate. Private buildings are often not designated as protected monuments because the Public Entity Bonaire has no financial means to support citizens in maintaining and restoring protected monuments. The same applies to objects eligible for protection. As a result, there is little public support for obtaining protected status. The prevailing feeling is that a protected status brings almost no benefits—only obligations. It should be noted, however, that tax deductions are possible with protected status. At present, this option is not used because the protected monuments on Bonaire are owned by the government.

According to interviewees, the biggest problem is that there are no subsidy options for private owners who want to maintain and restore their protected residential monuments. The NRF does offer low-interest loans for commercial owners, but residential homeowners often do not qualify, as not all are expected to be able to carry a mortgage. A combination of a subsidy and a low-interest loan for residential homeowners (as is the case in the European Netherlands) would be a logical solution. In the past, initiatives were taken to establish a Monuments Fund Foundation. This fund would issue subsidies and function as a revolving fund, but for various reasons it was not possible to make the foundation operational. Among other things, due to

scale, it is extremely costly to set up an independent fund. As a result, the process of establishing a solid monument care system on Bonaire came to a halt in 2018.
Currently, there is a plan for a pilot by the Ministry of Education, Culture and Science and the NRF for Rincon, in which homes may qualify for a subsidy.

Enforcement instruments

Monitoring and enforcement are insufficient; many buildings deteriorate or are lost. Some owners undertake weekend/night demolition to avoid scrutiny. Reports received by the Public Entity Bonaire Permitting Department should go to the Inspection and Enforcement Directorate, but limited capacity and expertise result in little follow-up. There is no specialised heritage enforcement; attempts to appoint two heritage inspectors have not succeeded.

3.3.2 Capacity, knowledge and expertise

The lack of implementation capacity and expertise is perceived as a major bottleneck for the execution of heritage conservation. There is a continuous outflow of young people (brain drain) to the Netherlands or the United States, who often do not return, making it difficult to find suitable candidates. There is a need for more and better-qualified staff, and especially for specialized roles such as heritage inspectors or an island archaeologist. The knowledge that is particularly lacking includes architectural and construction-related expertise—such as classical construction techniques and materials like coral stone—as well as knowledge of certain parts of the legislation, including funding options and monument maintenance.

3.3.3 Cooperation

Within the Public Entity of Bonaire, collaboration between different directorates and departments is difficult. There is some coordination with other policy domains, but this remains limited due to silo-formation within the organization of the public entity. The public entity consists of various bodies that each focus on their own tasks and have limited consultation with one another. Interviewees indicated that, at the time of writing (October 2025), synergy is limited between, for example, the Directorate of Society and Care—responsible for culture—the Directorate of Space and Development, which handles heritage files, and the Directorate of Supervision and Enforcement. Unlike in the European Netherlands, responsibilities for culture and heritage are divided across several domains. As a result, responsibilities are separated and work on culture and heritage is not approached integrally. Efforts are being made to explore how collaboration between the different directorates can be improved in the future, including by appointing a programme manager for culture and heritage and reassessing responsibilities.

There is also insufficient cooperation between departments within the Directorate of Space & Development, such as permit issuance and policy. This leads to practical problems, such as those surrounding excavation work described above.

A number of organizations on Bonaire are active in the field of (intangible) heritage, culture and archaeology. These include the following organizations, which we consulted for the evaluation:

- Stichting Cocari II — carries out multiple restoration projects (four buildings in Rincon, one in Kralendijk and the Dominicusschool complex). These are monuments as defined by Article 1a of the Monumentenwet BES but do not have protected status. NRF financing was used. The foundation is involved in the Erfgoed Deal and Woondeal awarded to Bonaire and informs a broader public about cultural heritage. Together with FuHiKuBo it prepared a landscape biography and—together with FuHiKuBo and the RCE—mapped the core qualities of the protected townscape Rincon.
- Fundashon Historiko Kultural Boneiru (FuHiKuBo) — documents, collects and preserves Bonaire's (intangible) heritage; maintains an archive of books, documents, images, audio/video and artefacts; focuses on documenting the stories surrounding monuments (who lived there and what they did).
- Bonaire Archaeological Institute (BONAI) — works on the preservation, study and promotion of archaeological heritage, including a youth programme, digitisation projects and documentation of monuments and intangible heritage.
- Terramar Museum — an archaeological-historical-anthropological museum in a monumental building; collaborates with SECAR (St. Eustatius) and NAAM (Curaçao). During COVID-19 it joined with other heritage organisations to strengthen the cultural sector, leading to initiatives including a visit by a delegation from the European Netherlands and discussions for the culture agenda.
- UNESCO Working Group Bonaire — established on 3 March 2015 to monitor and coordinate implementation of the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage and to monitor developments regarding UNESCO treaties ratified by the Netherlands that are relevant to Bonaire.

Other parties mentioned but not interviewed include the Stichting voor Kunst en Cultuur and the Stichting Monumentenzorg Bonaire (similar to Stadsherstel in the Netherlands). The latter has been revived after a decade of inactivity. It does not own monumental buildings but wishes to receive monuments from the government for restoration and (commercial) operation.

The discussions revealed that cooperation between the government, the heritage organizations listed above, and property owners is often limited and does not function well. Within the sector, there is a sense that decisions are frequently made in a top-down manner. As a result, information and knowledge are lost, and the local community is only marginally involved. Heritage organizations indicated that, due to the difficult relationship with the local government, they tend to seek collaboration with organizations in the European Netherlands or rely on national funds.

There is good contact with the Cultural Heritage Agency of the Netherlands (RCE) in the context of the cultural agenda. At the same time, it is noted that cooperation between the local government, Ministry of Education, Culture and Science/Caribbean Netherlands, and the European Netherlands does not always run smoothly. The same applies to cooperation between Bonaire, Saba, and St. Eustatius. In practice, sensitivities sometimes arise that hinder joint initiatives—for example, a joint application to the Netherlands Bank for archaeological research could not proceed due to such issues.

3.3.4 *Societal and administrative support*

Societal support for (intangible) heritage and Bonairean identity is growing. Increasing attention is being paid to the island's history. This growing societal support for culture and heritage is, for example, visible in the range of courses offered that focus on history and tourism. Because Bonaire is changing rapidly as a result of explosive growth, awareness is increasing that, if heritage is not protected, it will also disappear. At the same time, population growth and tourism also pose a threat to heritage, because the pressure on space is increasing and protected monuments and heritage-worthy objects are being demolished to allow for the construction of, for example, hotels or new housing.

In addition, societal support for built heritage also depends on the situation of the owner, the financial resources available and the desire to make adjustments to buildings. Many residents hardly know what constitutes a monumental building, or why protection is necessary.

The interviews indicate that political and administrative support is less present. Although there is political attention for Bonaire's identity and history, heritage is not given priority. The focus lies on other major societal challenges, such as poverty reduction, health, care and population growth. Another challenge is political instability, which makes long-term policymaking more difficult.

3.3.5 *Degree of attention across different heritage domains (movable, immovable, archaeological)*

At the time of writing, the Monumentenwet BES is primarily seen as a legal framework for built (immovable) heritage. In practice, other domains — such as movable and archaeological heritage — receive less attention. A key bottleneck is the lack of designated staff for certain dossiers and the absence of an archaeological service. The interviews mentioned practical examples, such as no or limited archaeological research being conducted in connection with construction work.

3.4 Performance: results and effects

3.4.1 *Output*

On Bonaire, 25 protected monuments have been formally designated. No new protected monuments have been designated since the Monument Council ceased to function. In addition, 637 heritage-worthy buildings have been identified; interviews indicate this list was updated in 2025 and expanded to approximately 800 objects, including historic wells, pots, furnaces and the structures of the historic salt pans. Two protected cityscapes/villagescapes are designated under the ROB: Rincon and central Kralendijk.[22]

Bonaire has an archaeological value map prepared by NAAM (Curaçao). However, it was never formally adopted. It is unclear whether it is linked to the ROB, so possible archaeology is not always assessed during permitting. Interviewees consider the map outdated and the zones broad. A landscape biography focusing on plantation areas has been prepared by Stichting Cocari II and FuHiKuBo.

[22] https://bonaire-ro.nl/bestemmingsplannen/ruimtelijk-ontwikkelingsplan-bonaire/

3.4.2 *Outcome*

Several protected monuments are in poor condition (e.g., the government administration building; the former slave hospital that until recently housed SKAL). Concerns also exist about heritage-worthy objects; historic houses are maintenance-sensitive and in poor repair. Minimal enforcement and limited funding exacerbate deterioration.

3.4.3 *Effects*

Bonaire's population has risen from 15,000 in 2010 to over 28,000 today, which is difficult to manage and affects the spatial environment, infrastructure and the public entity's capacity. Population growth threatens heritage preservation as space becomes scarcer and heritage and heritage-worthy objects are demolished for new housing or tourism. Positive developments mentioned include respectful renovation combined with new construction, growing attention to intangible heritage, and loans of objects to the National Museum of Antiquities in Leiden.

3.4.4 *Impact, continuity and future resilience of heritage management*

The Monumentenwet BES provides a solid legal foundation, but there is currently no implementation, so there is no guarantee of future preservation. There is a lack of capacity, resources, expertise and administrative prioritisation. Without an active Monument Council, no new protected monuments can be designated and many existing monuments are in poor condition. Spatial pressure from population growth and tourism increases risks. Nevertheless, dedicated individuals and organisations are active, and public awareness of Bonairean identity and (intangible) heritage is growing.

In the interviews, several suggestions were made for ensuring the continuity and future sustainability of heritage conservation on Bonaire.

1. Desired structures and resources for heritage management

- Broaden the definition of monuments so that landscapes can also be designated (see Section 3.1).
- Include an alternative procedure in the island ordinance to allow designation when there is no active Monument Council.
- Establish a stronger financial system aligned with the European Netherlands.
- Introduce an aesthetics/welstand guideline for renovation and preservation of townscapes and monuments.
- Revise the ROB and update the archaeological value map.

2. Suggestions for improving implementation

- Improve cooperation within government (e.g., a programme specifically for culture and heritage).
- Improve cooperation between government, heritage organisations and international partners (RCE can support with knowledge/capacity).
- Provide structural government support and greater administrative attention for heritage.
- Ensure sufficient resources and capacity for knowledge building; safeguard specialist knowledge internally.
- Establish a heritage (aesthetics) committee with regional expertise (recognising the limited pool of professionals).

3. Increasing societal awareness and engagement

- Build public awareness and engagement; heritage preservation depends on actively passing on knowledge, culture and identity to the next generation (heritage education plays a key role).
- Introduce small initiatives to raise awareness (e.g., QR codes on heritage buildings; a website with information on buildings and a list of qualified contractors).
- Acknowledge that heritage care is inseparable from the island's history, identity and culture (tangible and intangible).

4. An integrated view of heritage

- Recognise that heritage is not only about buildings; nature, culture and heritage should be considered together.
- Connect heritage with broader societal challenges (health, sustainability) so it is seen as an opportunity as well as an obligation.

3.5 Conclusions regarding Bonaire's implementation practice

Bonaire has a rich history with many valuable objects that play an important role in the island's identity and past. Examples include Fort Oranje, the slave huts, the culture and appearance of Rincon, the St. Francis Convent, and the archaeological rock carvings of the Caquetío Indians. As this heritage is increasingly threatened by Bonaire's rapid growth, extensive construction activities, and the effects of climate change, more attention is being paid to its preservation.

The importance of preserving existing monuments for the future has in the past led to the designation of 25 officially protected monuments, some of which were designated as early as 2012. A conscious decision was made to designate monuments already owned by the government. However, gaining support for designating privately owned monuments is difficult, in part because of the relatively high costs of maintaining a monument and the lack of sufficient financial resources and support. To protect historically valuable objects, a list of 637 objects eligible for protection was created as part of the adopted ROB. Discussions revealed that this list was recently updated and expanded with other objects, such as historic wells, pots, furnaces, and the structures of the historical salt pans. The new list contains approximately 800 objects. For these objects, a construction/demolition permit is required, which, however, involves far fewer obligations than those applying to the 25 officially protected monuments.

Although the Monumentenwet BES has been partially implemented in the past—mainly focusing on built heritage—its implementation has been halted since 2018, when the Monuments Council was dissolved and the Monuments Fund Foundation ceased to exist. As a result, at the time of writing, the necessary structures, funding mechanisms, and capacity, knowledge, and expertise to (continue to) implement the Monumentenwet BES are lacking. No new officially protected monuments have been designated, and (protected) monuments are often in poor condition. Moreover, political priority for heritage is minimal. The evaluators therefore conclude that the Monumentenwet BES is currently not being implemented as intended and consequently does not function in practice. To address this situation, concrete suggestions for strengthening heritage policy were provided in the preceding sections.

4 Heritage Conservation in Practice on Saba

4.1 Introduction

This chapter discusses heritage conservation in practice on Saba. To structure the chapter, we follow the SCP model (see 1.3). Accordingly, we address the perspective from the interviews on legislation and policy (structure), how the Monumentenwet BES is currently being implemented and the extent to which parties collaborate (conduct), and the results and effects this produces (performance). The findings in this chapter are based on 10 interviews conducted by the evaluation team in August and September 2025.

4.2 Structure: perspective on structure/bottlenecks

Based on the interviews, this section elaborates on practical experiences on Saba related to the structure. It provides both a general overview and specific points of attention or requests for amendments concerning the legal and policy framework of the Monumentenwet BES.

General points for attention

The Monumentenwet BES provides a basic framework, but the elaboration of the law is still in its early stages on Saba. There is a monuments island ordinance, but in practice this is not yet applied because no monuments have been designated, and therefore no monuments register exists. At present, a Monuments Council is being established.

Interviewees indicated that oversight under the Monumentenwet BES is not yet well organised. Enforcement must be designated by the Executive Council, but the Ministry must publish this designation. This structure causes uncertainty about who is actually the supervisory authority.

There is a lack of clarity regarding the definition and interpretation of monuments. Questions include whether natural and landscape elements, graves and cemeteries, museum collections, maritime heritage and archaeological objects fall under Article 1 of the Act.

There is also uncertainty about which archaeological items fall under the protection of the Monumentenwet BES, especially in relation to the Mount Scenery National Park, Species and Artefacts ordinance and the Valletta Convention. It is considered desirable to more explicitly define the handling of archaeological objects within the Monumentenwet BES.

Reactions to the possible inclusion of intangible heritage are mixed. While some interviewees show interest in the meaning and potential interpretation of intangible heritage, others are concerned that expanding the law could complicate implementation or distract from core tasks.

Specific points for attention/amendments

Furthermore, several specific points of attention and articles in the Monumentenwet BES have been identified by representatives of the Public Entity of Saba:

- Article 1: The definitions listed here could be better aligned with the Dutch Heritage Act (Erfgoedwet). In addition, graves, cisterns, and walls could possibly be listed separately, as they are important for Saba. There is doubt whether the 50-year threshold for defining monuments is relevant; the focus should instead be on the value of the monument.
- Article 5, paragraph 1: This article states that it is prohibited, without a permit from the executive council or in violation of the conditions set in such a permit, to wholly or partially demolish, relocate, destroy, or damage a protected monument, or to alter, restore, use, or allow it to be used in a way that disfigures or endangers it. This differs from the island ordinance on monuments in Saba.
- • Article 5, paragraph 4: “The provisions of the first, second and third paragraphs apply correspondingly to monuments from the moment that the owners and holders of real rights have been notified of an intention to designate the property as a protected monument.
- This application ends as soon as it is established that these monuments will not be registered in the register established by the island ordinance on monuments, or from the moment a written request for designation of a monument as a protected monument has been received by the executive council. Receipt of this request shall be communicated to the owners and holders of real rights without delay in writing’. This article is experienced as unclear due to its sentence structure and wording.
- Article 6, paragraph 3: “The island ordinance on monuments shall contain rules regarding the manner and circumstances in which those involved may be granted compensation for maintenance and restoration costs.”It is noted that it would be useful to explore options for broadening this “cost compensation.”
- Article 7, paragraph 1: “It is prohibited to carry out or have carried out excavation work without a permit from the executive council, or in violation of the conditions of such a permit, for the purpose of locating or investigating monuments.” It is suggested that this article be broadened so that not only excavation without a permit for locating or investigating monuments is prohibited, but also excavation near monuments (in line with the Valletta Convention).
- Article 8, paragraph 1: “Movable monuments may temporarily be transferred to a suitable storage location upon instruction of the executive council, and if necessary, with the help of law enforcement (‘strong arm’).” It is noted that while the ability to intervene with law enforcement is positive, a passage must be added to require that finds be preserved at the place of discovery. If not added, this would conflict with the Valletta Convention.
- Articles 7 and 8: Both articles are also viewed as somewhat unclear in general.
- • Article 9: “If a protected monument is owned by a church denomination or religious community and used exclusively or predominantly for the practice of worship, the executive council shall not make a decision based on Articles 5, 7, or 8 except in accordance with the owner, insofar as the decision affects essential interests of religious practice.” Concerns are raised about equating church and government; the request is to change “in accordance with” to “in consultation with.”
- Article 12: “He who violates a provision of this act or acts without, or in conflict with, a permit, regulation, or condition as referred to in this act shall be punished with detention of up to one year or a second-category fine.” There is a request to change “he” to “any person.”

- Article 13, paragraph 1: This paragraph refers to supervising compliance, but it is experienced as unclear what exactly this supervision entails and what the role consists of (for example, who should appoint the supervisors). A difference between the Act and the island ordinance on monuments is also noted. Additionally, it is remarked that publication in the Staatscourant is a unique and striking arrangement, as this normally occurs via the Island Council and the Executive Council.

4.3 Conduct: implementation and cooperation

At the time of writing this report, there is no functioning set of instruments in place to implement the Monumentenwet BES on Saba. Work is underway to prepare the mechanisms needed to enable future implementation of the Act.

4.3.1 Application of instruments

During the evaluation team's field visit to Saba, a working group—consisting of policy officers from the the Public Entity of Saba Directorate of Culture and Spatial Planning, a team from the RCE, the Saba Heritage Center and the Saba Conservation Foundation—was preparing for the implementation of the Monumentenwet BES. The working group is developing a monument system, including a register, a Monuments Council and a monuments fund. Work is also underway on the process for inventorying monuments. An existing inventory of potential monuments has been updated, the RCE has drafted monument descriptions for an initial set of potential monuments, and a plan is being developed to designate monuments in consultation with the community.

Designation procedures

A Monuments Council has never existed on Saba. At the time of writing, the Public Entity of Saba is working on the establishment of a Monuments Council and is exploring the possibility of combining this body with the role of a Monuments Committee, with the aim of advising the government on monument matters (both designation and alteration). The working group has now compiled a draft list of potential monuments.

Regulatory instruments

Because no protected monuments have been designated yet, regulatory instruments are not applied. Expected challenges for future application include unclear ownership situations and lack of financial resources, which may complicate requirements such as mandatory maintenance. Saba's building and housing ordinance does regulate aspects such as colour, architecture, and building materials. However, the guideline on house colours is experienced more as tradition and social convention than as a regulatory instrument.

Financing options

Most buildings on Saba are privately owned. There are currently no financing options for private owners, and since no monuments have been designated, tax deductions are not possible. The working group for heritage conservation is exploring the feasibility of establishing a monuments fund together with local authorities. At the time of writing, a pilot project is being set up by the Ministry of Education, Culture and Science and the NRF to make €250,000 in subsidies available for the restoration of private homes.

Enforcement instruments

Without designated protected monuments, enforcement under the Monumentenwet BES is not possible, and the Public Entities Act for the Caribbean Netherlands does not provide a system of administrative fines. The Public Entity of Saba currently has no enforcement tools if a (potential) monument is demolished. Supervision could in theory be carried out by general enforcers, but this does not yet occur in practice. Criminal enforcement would theoretically be possible, but in practice there is no capacity for it.

4.3.2 Capacity, knowledge and expertise

The Public Entity of Saba experiences a lack of capacity and expertise for implementing heritage conservation. This concerns civil servants, permit officers, inspectors, heritage experts and contractors. Expertise on Saba is limited in areas such as heritage, archaeology, and traditional building techniques and materials.

4.3.3 Cooperation

In addition to the Public Entity of Saba, there are several organisations on Saba involved in (intangible) heritage, culture and archaeology. The following organisations were interviewed for the evaluation:

- Saba Heritage Foundation: The central heritage centre of Saba. The organisation collects and preserves archaeological and historical objects, conducts research, and organises cultural activities for different target groups. It collaborates with local and international partners, including UNESCO and the tourism office, and plays an active role in drafting the island's cultural agenda.
- Sea and Learn: A local organisation focused on increasing cultural and ecological awareness on Saba. It organises projects and educational programmes, such as the "Adopt a Box" initiative, which places stories about the island on electricity boxes. Sea and Learn works with local residents, artists and international funds to connect and preserve heritage and nature.
- Saba Conservation Foundation (SCF): Responsible for the management and protection of nature on Saba, including national parks, nature trails, and marine areas. SCF works closely with local and regional partners and is committed to conserving both natural and cultural-historical values, such as historic walking paths and landscapes.
- Harry L. Johnson Museum: Located in a historic sea-captain's house, the museum manages a collection that reflects life on Saba 200 years ago. The organisation is committed to preserving the building, the collection and the surrounding grounds. The museum serves as a community meeting place and a platform for education about local heritage. The museum aims to become Saba's first designated monument.
- Major Osmar R. Simmons Museum: Located in an old family home, the museum showcases everyday life and the island's culture through authentic furniture, household objects and local crafts. The museum is an important place for preserving and sharing Saba's heritage.

Within the Public Entity of Saba, the departments of spatial planning, culture and legal affairs work closely together on the development of heritage conservation on Saba. In parallel with establishing the heritage framework, a cultural agenda is being developed in cooperation with the Saba Heritage Centre. The cultural agenda covers both tangible and intangible heritage.

There is also an aim to ensure that the elaboration of the spatial development plan is aligned with the heritage track.

The monuments working group has involved the Saba Nature Conservation Foundation. From the perspective of several local organisations, greater involvement would still be desirable. In addition, the Public Entity of Saba aims to involve residents in further shaping the Monuments Council and the monument list. Several meetings are currently being held. These meetings are mainly attended by residents not born on Saba. It was indicated that communication via flyers and Facebook may be more effective to engage Saba residents.

For the implementation of heritage conservation, the Public Entity of Saba is supported by a team from the RCE. In addition, the cultural agenda is being drawn up in cooperation with the Ministry and UNESCO. There is also cooperation between Saba, St. Eustatius and St. Maarten via the Dutch Caribbean Heritage Platform and the Dutch Caribbean Digital Platform. There are also plans to appoint an archaeologist shared by Saba and St. Eustatius; funding is available for this through the Mondriaan Fund. Further cooperation between the countries and public entities takes place on the basis of individual connections.

4.3.4 Societal and administrative support

Although there is currently no functioning system under the Monumentenwet BES, both administrative support (from the Public Entity of Saba) and societal support (from various organisations) exist on Saba to properly establish heritage conservation for the future. The Island Council demonstrates administrative support by adopting motions on the Monuments Council and intangible heritage, and by being open to further policy development. Effective implementation requires cooperation between the Public Entity of Saba departments, legal experts, RCE and social organisations. There is thus both administrative and societal support to further build heritage policy, but interviewees emphasise the need for simple, accessible legislation and policy tailored to local needs.

Among the local population, perspectives vary. Some community members are proud of their heritage and motivated to better protect built monuments, while others do not fully realise the uniqueness of their environment. To strengthen shared awareness of Saban identity, work is being done on broader cultural policy, including overarching policy on tangible and intangible heritage.

In recent years, expats have purchased and renovated potential monuments. Meanwhile, many local residents are hesitant to obtain monument status due to financial and practical concerns. Maintenance is costly and buildings are small by modern standards, resulting in a desire to renovate. This divide was clear during two meetings: expats attended mainly to obtain funding opportunities, while local residents wanted clarity about how monument status would affect their ability to live in or modify their homes.

4.3.5 Attention to different heritage domains (movable, immovable, archaeological)

The working group dealing with monument status under the Monumentenwet BES is currently focused mainly on built heritage. There is a belief that starting with a simple approach keeps the process manageable and allows gradual expansion.

Although the Monumentenwet BES is mainly seen as a legal framework for built heritage, the community also wishes to provide more structure and protection for other heritage domains. Preservation of natural and landscape elements—such as historic walking trails, rainwater reservoirs, old trees and 'The Ladder'—is considered valuable.

4.4 Performance: results and effects

4.4.1 Output

Saba has a distinctive architectural style. Characteristic features include the white wooden cottages, with red roofs and green shutters, built on stone foundations. Other characteristic buildings include the traditional stone cottages (Saba Rock) and various churches. Over time, many buildings have been preserved reasonably well due to residents' efforts and are still largely inhabited.

At the same time, Saba has little space for construction, and the cottages are modest in size. This means that residents sometimes partially demolish cottages to build new structures on the same plot. Weather conditions, including hurricanes, also mean that some buildings must be replaced. Spatial developments add to this, such as the construction of a new hospital, expansion of a hotel, and a new supermarket. At present, under the Monumentenwet BES, there is no guaranteed preservation of monuments for the future. No protected monuments or protected cityscapes/villagescapes have yet been officially designated.

There is an archaeological expectation map, which needs updating, and a landscape biography is being developed with the RCE. Archaeological research is carried out for government projects but cannot be mandated for private initiatives.
The Public Entity of Saba has submitted a funding request to the NRF for a church; this is still under review. Public discussions on social media indicate both community engagement and concerns about the condition of historic buildings.

4.4.2 Outcome

Social appreciation and awareness of heritage, along with protection arising from social norms and traditions, have historically ensured that old houses were relatively well maintained. However, pressure to legally safeguard heritage is increasing, due to population growth (incl. expats), major spatial developments funded by the pension fund, limited knowledge of traditional construction techniques, and insufficient awareness of cultural-historical value.

Over the past thirty years, Saba has lost about half of its potentially monument-worthy buildings. Across the island, dilapidated or overgrown cottages can be found. Poor condition of buildings is due to high maintenance costs, limited financial means, undivided inheritances, and inaccessible owners abroad.

There have also been cases where old buildings were demolished, such as a 19th-century cottage in the village of The Bottom. This building was demolished on a Sunday morning, without prior consultation with the community or heritage organizations. The older residents of The Bottom in particular were strongly opposed to the demolition. They considered the house an important part of their village's appearance and history. Because the demolition happened unexpectedly, there was no opportunity for the local population or organizations to voice their views or prepare alternative plans. When it became clear that the building had been (partially) demolished, the Public Entity Saba acted quickly to save the last historical elements. The stone oven was the only remaining historical feature in the building. The Public Entity of Saba hired an external professional company from Trinidad to move the oven. However, during the lifting process, the oven completely collapsed. This caused a great deal of anger within the community, as people believed the oven should have been preserved. After the collapse, an attempt was made to reconstruct the oven. The company involved used concrete instead of lime, which was later judged as incorrect by an archaeologist. According to interviewees, the entire building could have been preserved and construction could have taken place around it.

This incident is cited as an example of the lack of supervision and enforcement in monument preservation. It also shows that the absence of local expertise, and the need to rely on external parties, can lead to the loss of historically valuable elements. The incident contributed to raising awareness and urgency within both the community and the government to better protect monuments and to develop policies that genuinely safeguard heritage.

In addition to built monuments, there is a need to provide historical and archaeological objects with a secure and permanent place on Saba. These include, for example, graves, cisterns, and historic walls. (Maritime) artefacts are also regularly found on and around the island, and these currently lack sufficient protection. When found by local residents, they are usually taken to the Saba Heritage Center. There is no other permanent location or policy for storing these archaeological finds. There is, however, a desire to digitize archaeological objects to ensure better documentation and to make them accessible for research and preservation.

On Saba, cultural-historical values are intertwined with nature. As a result, there is also a wish to protect natural and landscape elements, such as historic walking trails (e.g., The Ladder), historic trees, and old stone walls. The historic walking trails were constructed by earlier generations and contain remnants of old settlements, graves, pottery in the soil, and cisterns that are still used for agriculture. Saba also has old mango trees and other special trees that are not only ecologically valuable but also play a role in the island's local history and identity. In the Spring Bay area, there are old water wells (the "boiler area") that were once very important to the community. These are now seen as potential monuments because of their historical and natural significance.

4.4.3 Effects

The lack of clear regulations and policy leads to the loss of historic buildings. Without legal protection, owners may demolish or alter properties without community input. There is little attention for salvaging reusable historic materials. Trails, trees and other landscape heritage are insufficiently protected. Archaeological finds lack a policy framework and secure storage.

4.4.4 Impact, continuity and future resilience of heritage conservation

The Monumentenwet BES provides a solid legal foundation for the preservation of monuments, but the Act is currently not being implemented, meaning there is no guarantee that monuments will be preserved in the future.

With the implementation of the Monumentenwet BES in the future, monuments and heritage can be sustainably preserved and passed on to future generations. This creates opportunities for education, community building, and increases the pride and involvement of residents.

Suggestions made in the interviews for continuity and future resilience on Saba

1. Desired structures and resources for heritage conservation

- A structural financial contribution to improve private owners' attitudes toward monument preservation and maintenance; owners are uncertain about what a protected monument entails and fear restrictions and high costs (materials and labour).
- Appointment of a heritage inspector with knowledge of Saba's heritage to inspect and supervise restorations so they are carried out correctly and in a historically responsible manner.
- More capacity within the Public Entity of Saba for hiring and/or training staff responsible for supervision and enforcement of the Monumentenwet BES.
- Better communication to the public about what is defined as a monument and what the consequences of monument status are for private owners.
- A strategy to address issues related to unclear ownership and/or inaccessible owners (e.g., improving cadastre and ownership registration, procedures for contacting owners, support with legal/administrative issues).

2. Do not overcomplicate both implementation and legislation

- Start with a simple approach that initially focuses on built heritage, so the process remains manageable and feasible, and then gradually expand where possible.
- Because Saba has limited implementation capacity, legislation should not be overly complex and must allow room for local context.
- Provide clarity to residents about what will happen with the Monumentenwet BES and what the law requires of them so the Public Entity of Saba can proceed with implementation with certainty.

3.Increasing societal awareness and engagement

- Community involvement and support are crucial: residents can help the Public Entity of Saba identify monuments and tell the stories behind them based on knowledge of the history and ownership of old buildings (via meetings, flyers, Facebook).
- With young Sabans leaving and expats arriving, education and awareness about history, heritage and the stories behind heritage objects are important (e.g., curriculum, events, informational boards at sites and buildings).

4.5 Conclusions for Saba's implementation practice

The preservation of Saba's built heritage is under pressure. Dependence on external funding, the absence of structural financial support and relatively high maintenance costs for private owners hinder the conservation of (potential) monuments. Saba also faces an increasing influx of expats, limited shared knowledge of heritage, and a lack of enforcement.

The Monumentenwet BES provides a basic framework, but implementation is still in an early stage: no monuments have been designated, no register exists and no Monuments Council is operational; consequently, valuable buildings have been lost in recent years. There is societal and administrative support for establishing heritage policy, but residents have concerns about restrictions and the financial implications of monument status.

The Monumentenwet BES is an important foundation, but without further elaboration, practical enforcement, local involvement and structural financial means, heritage conservation on Saba will remain vulnerable and limited in effectiveness.

For the future, interviewees emphasised the importance of:

- Properly establishing the monument system to enable execution of the island ordinance.
- Keeping legislation and implementation practical, locally applicable and feasible.
- Providing structural financial support to private owners to meet high maintenance costs.
- Ensuring clarity about definitions, responsibilities and consequences of monument status for owners of potential monuments.
- Investing in education, awareness and community involvement.
- Increasing capacity and expertise within the Public Entity of Saba.

5 Heritage Conservation in Practice on Sint Eustatius

5.1 Introduction

This chapter examines heritage conservation in practice on Sint Eustatius. To structure the chapter, we follow the SCP model (see 1.3). Accordingly, we discuss the perspective from interviews on legislation and policy (structure), how the Monumentenwet BES is currently implemented and the extent to which stakeholders cooperate (conduct), and the results and effects this produces (performance). The findings in this chapter are based on the (group) interviews conducted by the evaluation team in August and September 2025.

5.2 Structure: perspective on structure/bottlenecks

Based on the interviews, this section elaborates on practical experiences related to the structure. It presents both a general picture of the structural context and specific points of attention or requests for legislative and policy adjustments.

General points for attention

On Sint Eustatius, there is uncertainty about the definition and interpretation of monuments. Therefore, there is a need for more clarity, for example through a clear and comprehensive description of movable and immovable monuments, preferably including concrete examples. The definition of movable monuments also requires further clarification and conditions in policy, as interpretations vary. A flexible clause—such as a footnote—has been suggested to specify clear criteria for when relocation of a monument is permitted or prohibited.

Interviewees also noted that specific regulations are lacking for archaeological monuments and funerary heritage sites, including undocumented burial grounds. Although archaeological monuments can currently receive monument status under the general legislation, creating a separate status for these sites is considered desirable.

In addition, the law is unclear about when something qualifies as an archaeological monument: at the moment it is known to be located underground, or only upon discovery during excavation? On Sint Eustatius, the latter occurs frequently, making clear regulation essential. Coordination with the islands' archaeological value maps was also suggested as an improvement to include in the Monumentenwet BES.

The discovery of human remains outside recognised cemeteries is a particular point of concern, especially because Sint Eustatius has 76 plantations containing burial grounds. Legal protection is desired, including rules for when excavation and reburial at a pre-designated location are permitted—for example in situations related to climate threats or safety risks. Interviewees suggested requiring the Island Council to arrange reburial within a fixed period, in consultation with the local community, and preferably in a single designated

reburial location. At the same time, they emphasised that the relocation of graves and human remains is a socially and politically sensitive issue.

Finally, responsibilities in the current law are perceived as too vague. Interviewees argued for a statutory provision obliging the government to designate a responsible body or official, with clearly defined tasks and responsibilities—without naming specific persons. This would provide clarity for both government and implementing organisations.

Specific points of attention/amendments

Several specific points of attention and articles in the *Monumentenwet BES* were raised:

- Article 7, paragraph 3: There is a request to amend the required reporting period for discoveries during excavations from within three days to immediately. Interviewees also requested an expansion of this article so that in areas with high historical value, no search or excavation activities of any kind may take place without a permit, including non-intrusive search activities such as using a metal detector.
- Article 9: Interviewees indicated that this article can make matters more complicated in a small community such as Sint Eustatius. A question was raised about the synagogue, where—despite being a ruin—religious services are still held. Does this mean a religious congregation still exists, and how should this be handled under the law? There are also religious groups who visit Sint Eustatius and occasionally hold a service in such buildings, which further complicates interpretation.

5.3 Conduct: implementation and cooperation

5.3.1 Application of instruments

It is important to first note that current knowledge and awareness of the Monumentenwet BES on Sint Eustatius appears to be limited. Although a Monuments Council existed in the past and monuments were designated and restored before 2010, very few people on the island today seem to have substantive familiarity with the current Monumentenwet BES. Furthermore, developments since 2010 have not been well documented and are not easily accessible. This paragraph therefore primarily reflects the situation on Sint Eustatius at the time of the field visit.

Designation procedures

A Monuments Council was active on Sint Eustatius in the past. It appears to have been established by Island Decree around 2010. From the interviews, it is unclear exactly until when the council remained active. Since 2017, there has been no active Monuments Council. During the period in which the council was functional (from 2010 onward)[23], it advised the Executive Council and designated one monument: the Catholic church. There is currently a desire from the Public Entity of Sint Eustatius to establish a new Monuments Council.

Documentation of the total number of designated monuments and the size of the protected cityscapes/villagescapes —before and after 2010—is minimal. Monuments are only partially or

[23] OLE, 2010. Island Decree laying down general measures for the implementation of Article 3, third paragraph, of the Island Monuments Ordinance (Decree on the organisation and working procedures of the Monuments Council). Available at: https://repository.officiele-overheidspublicaties.nl/cvdr/CVDR55678/1/html/55678_1.html

not at all included in a public register, resulting in uncertainty about which and how many protected monuments exist.The task of maintaining the register lies with the Economy, Nature & Infrastructure (ENI) department, but the documentation reviewed by evaluators appears neither up to date nor consistent with another list kept by the Culture Department.

The list held by the Culture Department was created through case-file research by Public Entity St. Eustatius and the RCE. Several historical documents were found concerning past monument designations. According to the Culture Department, documentation suggests that designation processes were handled carelessly in the past—with some monuments seemingly double-designated, and others designated without involvement of a Monuments Council. It also appears that some buildings were included in new documents as ‘new’ monuments even though they had already been designated before the law entered into force in 2010.

It is likewise unclear whether owners of designated monuments were ever formally notified. As of the time of reporting, the Public Entity St. Eustatius is still discussing (re)informing owners.

Regulatory instruments

Because owners of designated monuments appear not to have been informed, regulatory instruments—such as mandatory maintenance—are not applied.

Within ENI, building and demolition permit applications are assessed. In theory, this should involve coordination with the Culture Department and the archaeological value map. However, enquiries with the Culture Department suggest that such coordination rarely occurs before construction or renovation begins.

Financing options

ENI provides an annual subsidy to the Monument Foundation, based on a performance agreement evaluated monthly to ensure tasks are carried out properly. The subsidy is intended for maintenance and restoration of monuments managed by the foundation on behalf of the Public Entity St. Eustatius. However, on Sint Eustatius many (potential) monuments are privately owned, and no financing options exist for private owners.

In the past, some building-specific funding was provided through the Oranje Fonds and the Mondriaan Fund, but only for properties with official monument status. Under the Ministry of Education, Culture and Science–NRF pilot, €250,000 was made available for restoration, though its application on Sint Eustatius is still being explored.

Enforcement instruments

Although rules exist and the permits department oversees compliance, actual enforcement is weak. There are no sanctions, and no clear structure for enforcing maintenance or protection of monuments. This is due in part to poor registration within the Public Entity St. Eustatius and the fact that owners often do not know their property has monument status. Without a functioning register and formal owner notification, enforcement is impossible.

For example, the Doctor’s House, designated in 1996, was demolished in 2014 despite its status. Interviewees mentioned several designated monuments currently lacking adequate maintenance. In addition, there is no formal independent monument oversight, as the role of Heritage Inspector is vacant.

5.3.2 *Capacity, knowledge and expertise*

On Sint Eustatius, there is very limited expertise and capacity in heritage, archaeology, and traditional building techniques and materials. Many civil servants are unfamiliar with heritage legislation and therefore unable to ensure proper enforcement. The position of Heritage Inspector is currently unfilled; the individual who previously held this role still contributes to archaeology and monuments in their new function but can only take on a small portion of tasks until a new inspector is appointed.

5.3.3 *Cooperation*

Three organisations hold an official heritage mandate: the St. Eustatius Historical Foundation, the St. Eustatius Monument Foundation, and SECAR.

- The Monument Foundation manages the Dutch Reformed Church, the synagogue and several older houses within the historic core. The foundation has a performance agreement with ENI and participates in monthly meetings to monitor progress.
- The Historical Foundation is one of the oldest heritage organisations on the island, dedicated to preserving, protecting and making accessible the historical and cultural heritage of Statia. It manages the historical museum and has long been involved in restoration projects and collecting historical objects and stories.
- SECAR is an archaeological research institute specialised in documenting and protecting archaeological heritage on the island. SECAR has played an important role in mapping archaeological locations and conducting excavations. However, after controversy surrounding excavations at Golden Rock Resort, SECAR is no longer used by the Public Entity St. Eustatius. It still has a broad mandate and recently conducted archaeological work for Rijkswaterstaat.

At present, there is little cooperation between these organisations and the Culture Department. Residents are also minimally involved. The Culture Department is now seeking better cooperation through Regio Deal projects, such as open houses and presentations for the restoration of the Madam Theater. Residents expressed a desire for more involvement and communication about monument policy. Providing better information about heritage could increase awareness and engagement.

In terms of intergovernmental collaboration, the former Heritage Inspector maintains contact with RCE and ministries in the European Netherlands. Aside from these individual initiatives, there is little structural cooperation between Sint Eustatius and other islands or countries within the Kingdom.

5.3.4 *Societal and administrative support*

On Sint Eustatius, there is administrative support for designating protected monuments. In addition, there is societal support, including concerns about the preservation of heritage and old houses—particularly among older generations—and fears of excessive commercialisation in the future. During the interviews, it was noted that, in the area of monument policy, there is at times insufficient alignment between political intentions and societal needs.

5.3.5 *Attention given to different heritage domains (movable, immovable, archaeological)*

The implementation of monument policy currently focuses primarily on built heritage. At the same time, there is growing attention and concern—both within the Public Entity St. Eustatius and among citizens—for the protection of other heritage values, including archaeological, natural, landscape, maritime and movable heritage. Given the richness of archaeological and historical features on Sint Eustatius, there is a significant challenge in ensuring that all these heritage domains are adequately protected.

5.4 Performance: results and effects

5.4.1 *Output*

Sint Eustatius once played a major role in the trans-Atlantic trade. The Lower Town served as the economic heart of the island, with warehouses, trading offices, shops, and docking facilities for ships. This intense international trade earned Sint Eustatius the nickname ‘The Golden Rock’. Various monuments and ruins remain in the Lower Town, including the ruin at Orange Bay, old warehouses, and the Customs House. Some of these buildings are officially designated as monuments, while others are protected through townscape designation or hold special historical or archaeological value.

Historical traces are found elsewhere on the island. Several African burial grounds have been discovered, including at plantations, under the airport, near forts, and under the Golden Rock Resort. These sites are important remnants of the slavery past. Two are officially recognised as UNESCO burial grounds (Godett Plantation Burial Ground and Golden Rock). There are also old plantation houses, often in a dilapidated state. Other culturally significant elements mentioned include the July Tree and Blue Beads. There is often a lack of official protection or marking for these heritage elements.

Documentation of protected monuments is inconsistent. Research by the former Heritage Inspector and RCE identified eleven officially protected monuments, though only four designations have been formally published. Some questions remain about specific designations, such as the ruin at Oranjebaaiweg, which was designated without involvement of the Monuments Council.

ENI holds a 2014–2016 list of 245 potential monuments, compiled through resident meetings and individual submissions. The 2023 Spatial Development Plan[24] includes a list of heritage-worthy objects. The protected historic core of Oranjestad was designated in 1997. Ten of the eleven officially protected monuments lie outside this zone. A proposal around 2005 to expand the protected area was never implemented.

Funding has been provided in the past for restoration of several monuments, including the Catholic church, the ruin at Oranjebaaiweg, the Methodist church, and The Old Gin House. A major restoration project within the historic core restored multiple houses with 90% subsidised funding.

[24] OLE, 2023. Spatial Development Plan. Appendix 1: list of buildings considered eligible for protection.

5.4.2 *Outcome*

Several interviewees indicated that the preservation of protected monuments and historic townscapes (the historic core) is currently inadequate. For example, a protected monument designated in 1996, the Doctor's House, was demolished in 2014. This aligns with the earlier finding in this chapter that there is currently little to no supervision or enforcement of the monuments legislation, and that owners often do not appear to be (officially) aware of the protected status of their property.

In general, the maintenance and preservation of old residential houses on the island is a challenge. This is partly due to a lack of financial means, the inaccessibility of owners, or the unknown whereabouts of heirs. There is also often no maintenance plan in place for the period following the restoration of historic buildings. As a result, the houses once restored as part of the historic core restoration project are again in need of maintenance or restoration. However, there are also some old buildings, such as The Barrel House, that have been restored in line with their original value, often by private investors.

The former Heritage Inspector also raised questions about the restoration work carried out on the ruin along the Oranjebaaiweg, for which funds from the NRF were made available in the past. Concerns were expressed about whether the work performed appropriately respected the historical character of the building.

In addition to built monuments, the preservation and protection of the various forms of heritage on St. Eustatius presents a significant challenge. Due to a lack of coordination between spatial planning and cultural policy, permits are issued for activities in areas without considering archaeological value maps.

As a result, archaeological sites are sometimes only discovered during the execution of works, which can lead to damage to the structures. Furthermore, the protection of landscape elements with social value is under pressure. For instance, in the past, a large old saman tree was cut down by the owner of a nearby building without any consequences. Additionally, 'blue beads'—objects of great cultural significance because they were used by enslaved people as currency and were thrown into the sea upon emancipation—are still regularly taken by tourists. There have also been recent cases in which foreign visitors attempted to take archaeological objects, such as underwater finds, home with them.

5.4.3 *Effects*

The Monumentenwet BES provides the formal framework for monument conservation. However, the Monuments Council has not been active for years, and documentation of past decisions is unclear. This creates confusion about the current official list of protected monuments.

Due to a lack of communication and notification, many articles of the law cannot be enforced. Illegal demolitions have occurred without consequences. Limited capacity and expertise also constrain effective implementation.

Cooperation between stakeholders is fragmented. Subsidies exist for officially designated monuments but are limited for private owners.

Despite these challenges, there is societal interest in heritage preservation. Efforts by (former) Heritage Inspectors and recent restorations, such as at The Barrel House and the Madam Theatre, contribute positively to preservation.

5.4.4 Impact, continuity and future resilience of heritage conservation

The Monumentenwet BES forms the legal framework for the preservation, protection and management of monuments on Sint Eustatius. In the past, the predecessor of the Monuments Act functioned and monuments were designated. However, implementation currently faces challenges, including limited historical awareness, insufficient documentation, limited enforcement capacity and low involvement of owners and residents.

Suggestions from interviews for strengthening continuity and future resilience

Desired structures and resources for heritage conservation

- More clarity about what the law defines as a monument and what type of handling or protection is appropriate for different types of monuments.
- Restart implementation of the Monumentenwet BES by establishing a new Monuments Council and designating monuments according to proper procedures. One interviewee suggested starting completely fresh by removing the current list and re-submitting all monumental buildings with proper documentation, though this was previously rejected by the Island Government.
- Clarification and alignment of the official monument list and register, including possible digitalisation with detailed descriptions.
- Explore expansion of the historic core so all eleven protected monuments fall within its boundaries.
- Ensure owners are (again) informed of the monument status of their property so regulatory and enforcement tools can be applied.
- Improve cooperation and coordination between the Public Entity St. Eustatius departments and with external organisations, possibly appointing a liaison and reconsidering departmental structures.
- Safeguard structural maintenance after restoration through improved registration, supervision and enforcement.
- Explore solutions for privately owned public spaces and abandoned historical houses, such as expropriation options or the Public Entity St. Eustatius purchasing and restoring properties.

Remaining alert to the balance between economic growth and heritage preservation

Concerns exist about threats from commercialisation. Maintaining a balance between economic growth and heritage protection is essential. Opportunities exist for sustainable tourism that highlights heritage.

Societal engagement and awareness

There is a strong expressed need to engage and inspire the population, both young and old, about heritage. Examples given to achieve this include organizing events and programs focused on heritage, providing structural communication to residents about monuments policy (both online and through physical channels), and giving monuments a social function to

involve the community. It was also suggested to offer customs officers on St. Eustatius additional training to help them recognize archaeological objects in luggage.

There is a strong desire to ensure that the full Statian history and identity is taken into account in future monument selection. From within the community, there is a clear wish to focus more on what makes Statian identity unique, and less on the colonial past, when designating new monuments. It is therefore considered important to actively involve the community in monuments policy and to listen to their personal stories and perspectives, so that the local narrative takes center stage.

5.5 Conclusions on implementation practice on Sint Eustatius

The Monumentenwet BES focuses primarily on built heritage. Historically, the historic core of Oranjestad and various monuments were designated. However, fragmented documentation means it is unclear which monuments are officially designated. Different lists circulate with different buildings and numbers. Recent research confirmed eleven officially protected monuments.

Although parts of the law were implemented in the past, current execution is hindered by vague responsibilities, lack of enforcement, limited capacity, fragmented cooperation and outdated documentation. As a result, heritage conservation on Sint Eustatius does not function effectively.
Key points for future implementation:

- Clarify handling of different monument types, including archaeological sites, undocumented burial grounds, human remains and landscape elements.
- Align, maintain and register the official monument list and consider a potential monuments list.
- Inform owners (again) about the status of their property.
- Address the lack of structural budget for heritage conservation and limited financial support for private owners.
- Improve cooperation between spatial planning, the Culture Department and organisations.
- Invest in implementing capacity, including filling the Heritage Inspector vacancy and improving heritage knowledge within the Public Entity St. Eustatius.
- Clarify the legal definition of monuments, including conditions for movable monuments and relocation.
- Engage the community in discussions about heritage, monuments and Statian identity.

6 Findings in a Broader Perspective

6.1 Comparison with Heritage Conservation on Aruba, Curaçao and Sint Maarten

This paragraph sketches how the protection of monuments is organised on Aruba, Curaçao and Sint Maarten. It addresses the existing structure, implementation and results. The intention is explicitly not to evaluate the situation in these three countries. Instead, the current state of affairs is presented in order to distil learning and success factors that may apply to the Monumentenwet BES in the future.

6.1.1 Aruba

Heritage conservation on Aruba is legally regulated through the Monuments Ordinance (AB 1991 no. GT 46). The legislation is comparable to the monument laws in force on the other islands. Aruba has three organisations that are responsible for activities related to the restoration, protection, maintenance and public awareness of monuments:

- The Monuments Office Aruba, established in 1996, implements heritage policy on behalf of the Ministry of Finance and Culture and oversees compliance with the Monuments Ordinance. Its responsibilities include the designation of monuments, issuing permits, and monitoring adherence to rules and procedures related to supervision and enforcement.
- The Monuments Council, established in 1994, provides both solicited and unsolicited advice on matters related to monuments and protected cityscapes/villagescapes. The council also approves permits and monument registrations.
- The Monuments Fund Aruba Foundation contributes to the preservation of Aruban monuments by acquiring, restoring, renting and maintaining protected properties. The fund currently manages 19 buildings. In addition, it focuses on public awareness and provides advice to monument owners. The foundation also organises activities such as Open Monument Day, and its role is comparable to that of a stadsherstel organisation.

The Monuments Office has established restoration guidelines that protected monuments must comply with. Restoration work must use original materials wherever possible, and monuments must be restored in their original colour scheme. Modern additions such as air-conditioning units or solar panels are permitted only when not visible from public roads and when they do not alter the building's appearance. Permit applications are assessed against these restoration guidelines. Monument wardens carry out regular inspections. In case of violations, owners receive a written notice and must restore the property to its original state. Demolishing a protected monument can legally result in fines or imprisonment, although this has not yet occurred in practice.

Owners of protected monuments are eligible for certain benefits, such as exemption from transfer tax and the option to apply for maintenance subsidies. In practice, however, subsidies are limited and not structurally available. The subsidies that do exist are provided through the National Restoration Fund (NRF) and consist of incidental, rather than structural, financial support.

A distinction is made between A-monuments (original) and B-monuments (modified). Criteria include a minimum age of 50 years and aesthetic or historical value. Currently, 44 monuments are designated (including one movable monument), mainly government-owned. Private designation is done in consultation with owners, who are often reluctant due to strict rules and limited financial benefits. Aruba also keeps lists of 425 candidate monuments and 291 potential properties; the candidate list is not public for privacy reasons.

Because the Monuments Fund Aruba manages a large share of protected monuments, their maintenance condition is generally good. However, many owners of candidate monuments renovate without following restoration rules or demolish buildings. Since 2023, SMFA also represents the NRF on Aruba and assesses applications from commercial initiators.

6.1.2 Curaçao

Heritage protection on Curaçao is regulated through the National Ordinance for the Preservation of Monuments of History and Art (2010). The ordinance is implemented by the Ministry of Traffic, Transport and Spatial Planning (VVRP). This ministry proposes buildings for designation as protected monuments and manages the monument register. Currently, 870 monuments are designated and included in the official list. Curaçao also has a Monuments Council that provides solicited and unsolicited advice on built and archaeological heritage. The ordinance includes a system of rights and obligations. Owners must maintain a protected monument and restore it when necessary. In return, owners are entitled to restoration and maintenance subsidies.

Alongside the Ministry of VVRP, several organisations contribute to preserving built cultural heritage:

- Stichting Monumentenzorg Curaçao: A private foundation established in 1954, focused on acquiring, restoring and managing monuments. It owns 130 monuments (country estates, townhouses, forts, small residences) and also provides education and information.
- Stichting Monumentenfonds Curaçao: A government-established foundation providing subsidies and loans for restoration and maintenance. It assists with permit procedures and restoration plans. The foundation collaborates with the National Restoration Fund (NRF)[25] and previously received an NRF loan to re-loan to owners.
- National Archaeological Anthropological Memory Management (NAAM): A nonprofit organisation dedicated to preserving and identifying tangible and intangible heritage. NAAM manages the national collection under a care contract with VVRP and temporarily manages Bonaire's archaeological collection.
- Other heritage organisations active on Curaçao include N.V. Stadsherstel Willemstad, Fundashon Pro Monumento, and DOCOMOMO Curaçao (not interviewed in this evaluation).

Curaçao's monument policy has a long history. In the 1990s, a dedicated Monuments Bureau handled monument designation, policy development, ordinance implementation and register creation. Many instruments were created: designation procedures, subsidies, enforcement tools, and a formal permit system. Nearly 600 of the current 870 monuments were designated in a single phase under programmes such as the Inner City Programme, which also

[25] This is an independent foundation with its own assets. The foundation currently supports the NRF in assessing applications submitted to the NRF.

designated the historic centre as a protected townscape. In 1997, Willemstad's historic centre and harbour were added to the UNESCO World Heritage List.

In 2010, the Monuments Bureau was dissolved and responsibilities shifted to the spatial planning department of VVRP. Interviews indicate reduced political priority, limited capacity and expertise, weak enforcement, limited new designations (now only on request) and budget cuts. Since becoming an autonomous country, Curaçao has limited access to Dutch funding, reducing the effectiveness of subsidy schemes.

Curaçao has a relatively large number of designated monuments. Much restoration has taken place in Willemstad, thanks in part to Monumentenfonds Curaçao and Monumentenzorg Curaçao. The maintenance status of government-owned buildings is generally poorer, as is that of undivided estates.

6.1.3 Sint Maarten

Since 2015, the National Ordinance containing new rules regarding the principles for the preservation of monuments has been in force. The ordinance is highly comparable in content to the Monumentenwet BES. Monuments, protected cityscapes/villagescapes, and archaeological heritage are defined in the same way.

The ordinance stipulates that a Monuments Decree must be established, laying down detailed rules on how monuments and townscapes are designated as protected, how these decisions are published, and how registrations must occur. The law also regulates permit requirements. In practice, implementation focuses mainly on the preservation of built monuments, particularly residential houses. In 2007 and 2009, 51–53 monuments were officially designated and included in a monuments list. This list has not been updated since, meaning some monuments no longer exist or have been significantly altered.

The Culture Department of the Ministry of Education, Culture, Youth and Sport is responsible for monument policy and implementation. The Ministry of Housing, Spatial Planning, Environment and Infrastructure (VROMI) is responsible for building permits. Inspections, advice and approvals related to monuments are supposed to occur both through the Monuments Council and the Culture Department. For archaeological and heritage research and expertise, Sint Maarten collaborates on a project basis with the St. Maarten Archaeological Center (SIMARC). SIMARC conducts specific studies and inventories but does not have a structural role in monument policy.

There has been no functioning Monuments Council on Sint Maarten for several years, meaning this advisory role is currently absent. The Ministry indicates that new members have been screened and that efforts are underway, together with Parliament, to establish a new Monuments Council.

There is no Monuments Preservation Foundation or Monuments Fund on Sint Maarten. There is also no structural financing available from the Ministry for the conservation and protection of monuments for private owners. The Culture Department has been working for several years on establishing a Monuments Fund, but follow-up processes progress slowly. Some direct loans have been granted by the NRF, including for the restoration of the Methodist Church,

the Pasangrahan and, more recently, Pasture Piece. Apart from police supervision in case of incidents, there is currently no fixed structure for supervision or inspection of monuments.

6.1.4 Learning and success factors from Curaçao, Aruba and Sint Maarten

The above describes how monument care is organized in Curaçao, Aruba, and St. Maarten. Overarching points of attention and lessons learned from these brief observations are:

- Effective heritage policy starts with formal monument designation. Without designation, financing, enforcement and regulation cannot be applied. A public monument register with a concise description of cultural-historical value is essential.
- A solid financing system is essential. Monument status creates challenges for owners (higher costs, restrictions). Access to financing is a crucial condition for private monument conservation. On Curaçao and Aruba, maintenance conditions are relatively strong because financing mechanisms exist and organisations actively support restoration and management.
- Community involvement is vital. Public knowledge, pride and awareness regarding heritage, culture and history strengthen support, compliance and successful preservation. An engaged community can identify concerns, encourage compliance and improve awareness—especially when restored monuments are visible in public space.
- Be critical in balancing economic growth and heritage preservation. Tourism and commercial development can threaten cultural identity. Excessive commercialisation can erode heritage and authenticity. A conscious balance is needed between economic growth and heritage protection.
- Enforcement and supervision are crucial. Without effective enforcement instruments, heritage policy lacks strength and monuments deteriorate or disappear. This is evident on Sint Maarten, where many monuments have been lost or heavily altered.
- Political priority, continuity and sufficient capacity are important. Heritage systems require political commitment, continuity and adequate expertise within government. Curaçao demonstrates how reduced capacity and political priority lead to fewer designations, weaker permitting processes and insufficient enforcement.

6.2 Comparison with the Dutch Heritage Act (Erfgoedwet)

6.2.1 Structure of the Act

The protection of heritage in the European Netherlands is governed by the Heritage Act (2016) and the Environment and Planning Act (2024). The Heritage Act establishes how nationally significant heritage is treated, which monuments are designated, who holds which responsibilities and how supervision is exercised. It is an integrated law covering museum objects, museums, built monuments and archaeology on land and under water.

The Environment and Planning Act regulates the treatment of heritage in the physical living environment, integration of heritage in municipal spatial plans and permit procedures for alterations to national monuments.

The national government plays an active role in preserving and protecting cultural heritage. For example, it can designate national monuments, and such designation is linked to regulatory rules, construction/demolition permits and funding options. Examples include the

residential house subsidy for private owners of national residential monuments, the Preservation Subsidy (SIM) for non-residential monuments, restoration subsidies via the provinces, repurposing subsidies and low-interest loans via the National Restoration Fund (NRF). Additional market-rate loans can also be obtained to complete financing, particularly for complex restoration projects.

Supervision was historically carried out by the Inspectorate for Government Information and Heritage, but since 2012 this role has shifted to the provinces. The Inspectorate now intervenes only in cases of serious neglect of duties. Approaches vary between provinces, and the responsible Minister currently lacks a clear overview of the national situation.

The Heritage Act and Environment and Planning Act do not apply in the Caribbean Netherlands, because the Monumentenwet BES forms an independent legislative framework for heritage conservation.[26] Unlike European Dutch legislation, the BES framework has not evolved with broader environmental policy, and financing schemes under the Heritage Act do not apply.

6.2.2 *Reflections on applying the Heritage Act to Bonaire, Saba and Sint Eustatius*

The interviews indicate that the Dutch Heritage Act offers valuable points of reference for strengthening the preservation of cultural heritage on Bonaire, Saba and Sint Eustatius. At the same time, several caveats were expressed.

Definitions of heritage and monuments

The definition of a monument is unclear across the islands. The Heritage Act could help by offering clearer definitions and procedures, especially regarding movable and archaeological monuments, where the Monumentenwet BES is currently experienced as vague.

Designation of monuments

A key difference between the Heritage Act and the Monumentenwet BES lies in which authority designates monuments. In the European Netherlands, designation is done by the Ministry of Education, Culture and Science and municipalities; on the islands, designation is the responsibility of the Executive Council, often without structural support from heritage specialists. This means monuments considered nationally significant cannot be designated by Ministry of Education, Culture and Science under the current framework.

Financing

The Heritage Act provides several financing models, such as low-interest loans via the National Restoration Fund (NRF), subsidies for preservation and maintenance and municipal funding. The Caribbean Netherlands currently lacks comparable structural options for private owners. The Heritage Act can serve as a model for expanded financing support.

Intergovernmental supervision

The Heritage Act provides a framework for supervision and intergovernmental cooperation, which is absent on the BES islands. A similar model—where the Inspectorate plays an active monitoring role—could be considered.

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[26] Kamerbrief, parliamentary year 2014–2015, 34 109, no. 7, Consolidation and amendment of regulations in the field of cultural heritage (Dutch Heritage Act).

Concerns

Interviewees warned that the Heritage Act is complex and administratively demanding, which may not fit the scale and capacity of the islands. Without substantial support, applying the Heritage Act could overburden local government. Strict rules might hinder local initiatives, traditions and ownership structures. Ministry of Education, Culture and Science emphasises that the Heritage Act mainly defines national responsibilities.

7 Conclusions, Considerations and Recommendations

7.1 Conclusions

Conclusion 1: The law provides a legal foundation, but implementation falters due to insufficient capacity, resources and expertise.

Although the law offers a solid legal framework on paper and provides sufficient room for local interpretation through the island ordinances, implementation in practice is lagging on all three islands. A key bottleneck is the absence of active Monuments Councils, meaning that no new monuments have been designated for years. Existing registers are often outdated, incomplete, not publicly accessible or difficult to obtain, resulting in uncertainty about which objects are actually protected. In addition, there is a structural shortage of implementation capacity, knowledge of the Monumentenwet BES, and financial resources within local governments. This leads to insufficient supervision and enforcement, causing many monuments and heritage-worthy objects to fall into disrepair or be lost altogether.

The absence of structural financing options—such as subsidies or low-interest loans for private owners—is widely regarded as a major gap. It undermines support for the designation, preservation and maintenance of protected monuments among private owners.

Conclusion 2: There is a need for clear definitions and transparent procedures in the legislation.

Across the islands, there is a clear demand for more precise definitions and transparent legal procedures, because in practice there is considerable uncertainty about what constitutes a monument and which objects can or should be protected.

The definitions in Article 1 of the Monumentenwet BES are widely viewed as too narrow or outdated, for example due to the fifty-year criterion and the absence of references to certain heritage domains such as maritime heritage, landscape elements and intangible heritage.

Stakeholders also point out that designation, registration and protection procedures are not always clear — partly because registers are outdated or not publicly accessible. Another issue is the lack of intergovernmental oversight mechanisms in the Act.

These ambiguities not only hinder implementation, but also leave owners and stakeholders unsure about their rights and obligations.
For this reason, the evaluation recommends broadening and clarifying definitions and making procedures more transparent in the legislation.

Conclusion 3: Bonaire, Saba and Sint Eustatius cannot be treated as one homogeneous group.

The way heritage conservation is organised differs significantly between the three islands: Bonaire has a small list of officially protected monuments and a far larger list of heritage-worthy objects.

Saba is still in the early stages of developing its heritage system and has not yet designated any monuments.

Sint Eustatius has designated monuments, but outdated registers make the exact number uncertain.

The islands also differ in administrative priorities, available capacity and the level of societal support. The cultural and geographical differences are substantial as well: Bonaire is located 1,000 kilometres from Saba and Sint Eustatius, and the islands differ in language (Papiamentu on Bonaire; English on Saba and St. Eustatius), history and identity.

These differences demonstrate that, in practice, heritage management manifests very differently on each island and comes with distinct challenges and needs. The term ‘BES’ in the Monumentenwet BES therefore suggests more internal coherence than actually exists.

For this reason — and based on the sentiment expressed on the islands — the evaluation recommends replacing the term “BES” with the names of the individual islands.

Conclusion 4: The main differences with legislation in the European Netherlands concern the integrated approach and the availability of financing options.
In the European Netherlands, heritage protection is governed by the Heritage Act and the Environment and Planning Act, which together provide an integrated and modern framework for monuments, archaeology and museum collections. The national government plays an active role, including the designation of national monuments. A broad range of financing options exists for monument owners, such as SIM subsidies and residential monument subsidies. These financing structures do not apply in the Caribbean Netherlands. The Monumentenwet BES offers fewer structural financial instruments. Existing loans via the National Restoration Fund (NRF) are incidental and aimed mostly at commercial owners, while private owners have limited access to financial benefits.

Conclusion 5: The legal frameworks in Curaçao, Aruba and Sint Maarten are comparable, but implementation differs significantly.
Curaçao, Aruba and Sint Maarten have similar legal frameworks to the BES islands, with their own monument ordinances and councils. Implementation on Curaçao and Aruba is strengthened by active foundations and funds for restoration, management and awareness. However, effectiveness depends heavily on administrative capacity, political commitment and available resources. Sint Maarten lags behind Curaçao and Aruba, partly due to the absence of an active Monuments Council and a Monuments Fund.

Conclusion 6: Extending the Heritage Act to the Caribbean Netherlands has both advantages and disadvantages.
Aligning with the Heritage Act could offer clearer definitions, improved access to structural funding (e.g., SIM, residential subsidies), and a level playing field for monument owners. It could also strengthen supervision and enforcement and improve access to expertise. However, applying the full Heritage Act may be too complex and bureaucratic for the scale and capacity of the islands. Partial adoption of specific elements, such as definitions or financing structures, may be a more feasible alternative.

Conclusion 7: A solid legal framework alone is insufficient; practical implementation capacity, financing and local engagement are essential.
Although the Monumentenwet BES provides a legal basis, implementation is hindered by limited capacity, resources and expertise. None of the islands currently have a functioning Monuments Council, and some registers are outdated. Financial instruments are limited, and effective heritage management requires active implementation, structural financing and island-specific approaches.

7.2 Considerations

In this evaluation, separate from the recommendations, we have formulated three considerations on which a policy decision can be made. These decisions are essential for shaping heritage policy on Bonaire, Saba and St. Eustatius and for determining how the recommendations can be implemented.

Considerations
In this evaluation, separate from the recommendations, we have formulated three considerations on which a policy decision can be made. These decisions are essential for shaping heritage policy on Bonaire, Saba and St. Eustatius.

Consideration 1: Determine whether cultural heritage in the Caribbean Netherlands should be regarded as a national responsibility
The first consideration concerns whether there is a shared understanding that the preservation of cultural heritage (including monuments) is indeed a matter of national responsibility and therefore cannot be left solely to the island governments.

Many monuments and other cultural heritage objects on Bonaire, Saba and Sint Eustatius have great cultural historical value and form part of the shared history of the island populations and, by extension, of the Kingdom of the Netherlands. From this perspective, safeguarding cultural heritage is essential for keeping alive the history, identity and traditions of the island communities. The Netherlands has also ratified international conventions, such as the UNESCO World Heritage Convention, the Granada Convention and the Valletta Convention, which oblige the country to protect and preserve heritage — including that in the Caribbean Netherlands — for future generations. According to the evaluators, the national government cannot argue that heritage preservation is solely a local matter, since the Kingdom has ratified these conventions for its entire territory and is ultimately responsible for complying with the associated obligations. Furthermore, heritage is increasingly being regarded as a national interest. This is also reflected in the Spatial Development Programme Caribbean Netherlands (ROCN), in which the preservation of cultural heritage is explicitly designated as a national priority.

Consideration 2: Making financing available

The second consideration concerns whether national funds can be made available, and in what form.

This evaluation shows that the absence of structural financing mechanisms, such as subsidies or low interest loans, is one of the main obstacles to effective heritage conservation on Bonaire, Saba and Sint Eustatius. This applies to governments, private individuals and other monument owners. Making sufficient structural financing available is therefore essential to ensure that heritage conservation on the three islands becomes sustainable and future proof. Without such support, the preservation of heritage remains dependent on incidental projects and individual efforts, with the risk that valuable monuments and objects will be lost.

Consideration 3: Amending the current Monumentenwet BES*, or aligning with the Dutch Heritage Act*

The third consideration concerns the choice between adapting the current Monumentenwet BES, or aligning with — or partially adopting — the Dutch Heritage Act for Bonaire, Saba and Sint Eustatius.

The evaluation shows that although the *Monumentenwet BES* provides a good legal basis on paper, implementation on the islands falters due to a lack of capacity, resources, knowledge and clear procedures. There are also important differences between the BES islands and the European Netherlands, particularly in terms of financing, the integrated character of the legislation and its level of currency. The islands express a need for clearer definitions and more transparent procedures, as the current Act is experienced as too narrow or outdated, for example due to the fifty year threshold. In the European Netherlands, the Heritage Act provides a modern and comprehensive framework for heritage conservation, with clear subsidy options and an active role for the national government. Financing options in the Caribbean Netherlands are far more limited.

The third consideration therefore comes down to two main options.

The first option concerns amending the Monumentenwet BES

This option allows for broader definitions and more transparent procedures, creating more scope to adequately protect various forms of heritage, such as maritime, landscape and intangible heritage. Heritage protection via spatial planning can also be more firmly embedded in the Monumentenwet BES. At present, Bonaire, Saba and Sint Eustatius already have the possibility to protect heritage via the Spatial Development Plan (ROP), meaning that buildings on a list of heritage worthy objects may not be demolished. Such amendments would allow the law to better reflect the cultural, administrative and practical differences between the islands. Clarifying what constitutes a monument and how designation and protection take place would improve both feasibility and public support.

However, without structural financing and better alignment with national schemes, many bottlenecks would remain. Limited resources would continue to restrict maintenance and restoration efforts, leaving monument owners insufficiently supported. This affects public support for heritage conservation, as the burdens for owners often outweigh the benefits. The risk would also persist that monuments deteriorate or are lost because implementation

continues to depend on incidental projects and individual efforts rather than a sustainable, long term system.

The second option concerns (partial) alignment with the Dutch Heritage Act

Alignment with the Heritage Act would provide the BES islands with access to structural and broader subsidy options, such as the SIM scheme and the residential monument subsidy, which are currently only available in the European Netherlands. This would create a more level playing field between monument owners in the European and Caribbean Netherlands and could significantly strengthen public support. The Heritage Act also provides clear and up to date definitions, reducing ambiguity around what constitutes a monument. Moreover, supervision and enforcement could be organised more professionally, drawing on national expertise and creating greater uniformity in implementation.

At the same time, full alignment also has disadvantages. The Heritage Act is designed for the scale and administrative capacity of the European Netherlands and primarily affects what the national government must do. For the BES islands, the Heritage Act may appear too complex or bureaucratic. The administrative burden could become too heavy given the limited capacity and resources on the islands. Local autonomy may also come under pressure, as the Heritage Act is based on an integrated and centralised system that has not yet been implemented on the islands. Finally, differences in financial means between monument owners influence their ability to participate effectively in such a system, which must also be taken into account.

7.3 Recommendations

Recommendation 1: Do not focus solely on implementing the law, but ensure that existing implementation challenges are addressed

The previous paragraph outlined two possible directions for adapting the legal framework. At the same time, the implementation of heritage conservation on the islands is already faltering due to a lack of capacity, expertise and resources. Both legislative frameworks require active Monuments Councils, well maintained registers, a functioning permit system, and clear structures for supervision and enforcement. These basic conditions must first be in order before either law can be implemented effectively.

Furthermore, the Dutch Heritage Act was designed for the scale, capacity and administrative context of the European Netherlands. The Caribbean islands are much smaller and therefore have less administrative capacity, as well as different levels of practical ability (‘doenvermogen’). Implementing the Heritage Act on the islands would therefore not solve the existing implementation problems; indeed, additional tasks and obligations could overburden local governments if no parallel investments are made in knowledge, staff and resources.

Recommendation 2: Invest in implementation capacity: (re)activate Monuments Councils, improve registers, and strengthen local knowledge and expertise

Strengthening implementation capacity is essential for effective heritage conservation on Bonaire, Saba and Sint Eustatius, regardless of the chosen legal approach. In practice, this means that Monuments Councils must become active again so that new monuments can be designated and existing registers can be updated and made accessible.

It is also possible to combine the Monuments Council with a Monuments Committee that can advise on changes to monuments in the context of permit procedures — an option currently being explored on Saba. By updating and publishing registers, clarity can be created about which objects are actually protected, which improves both implementation and public support among owners and the wider community.

Investing in local knowledge and capacity is equally essential. Many of the implementation challenges — such as insufficient supervision and enforcement, inconsistent permit procedures, and limited maintenance — can be traced directly to a shortage of qualified personnel and insufficient knowledge of laws and regulations. Investing in training, documenting knowledge and experience, and establishing specialist functions — such as a heritage inspector — can structurally improve the quality of heritage conservation.

Recommendation 3: Ensure the availability of sufficient resources

A structural improvement of heritage conservation on Bonaire, Saba and Sint Eustatius requires making adequate resources available. This means that, in addition to incidental funding for individual projects, structural budgets are needed for sustainable maintenance, restoration and strengthening implementation capacity.

Local governments, commercial property owners and private owners should be able to rely on financial support, for example through subsidies, low interest loans or tax incentives. It is also important that resources are available to build local knowledge and capacity, as explained in Recommendation 2.

Recommendation 4: Prioritise awareness raising and education

According to the evaluators, increasing awareness and education about heritage is a crucial precondition for successful heritage conservation. Many residents, policymakers and enforcement officers do not know what a monument is or why protection is necessary. Without broad support and understanding within these groups, the law will have limited effect.

By investing in education — for example through schools, public campaigns, heritage lessons and local events — knowledge of the history, meaning and preservation of heritage can be widely disseminated. This helps build community engagement, strengthens pride in local heritage and increases the likelihood that residents will actively contribute to preservation and maintenance. Clear and accessible information also helps owners and stakeholders understand their rights and obligations. Awareness and education therefore form the foundation of a sustainable and future proof heritage policy in which heritage is not only protected by regulations but also supported by society itself. It may be useful to explore how this can be achieved by aligning more closely with cultural agendas already developed on the islands, and through the cultural coaches introduced locally.

Recommendation 5: Revise articles of the Monumentenwet BES if the Act continues to apply on the islands.

Below is an overview of the relevant articles and the improvements identified during the interviews. Based on these findings, we have formulated the corresponding adjustments.

Article 1 – Definitions

Improvement point: The current definition of a monument (at least fifty years old and of general interest) is regarded as too narrow and outdated. There is a need to broaden this definition, for example by including younger heritage, maritime heritage, landscape elements, ensembles, collections and intangible heritage.

Adjustment: Adopt the definition of “cultural heritage” used in the Dutch Heritage Act, ensuring that plantation landscapes and other valuable objects can also be protected.

Article 2 – Designation of monuments

Improvement point: The basis for designation is not sufficiently explicit.

Adjustment: Add a clear statutory clause such as: “A monument or archaeological monument, or cityscape/villagescape, may be designated when it is considered to be of general interest due to its beauty, scientific significance or cultural-historical value.”

Article 3 – Monuments register

Improvement point: The purpose of the register is not clearly defined.

Adjustment: Explicitly state that the register is intended to identify and document monuments, providing clarity for policymakers, enforcement bodies and owners.

Article 5 – Preliminary protection

Improvement point: The concept of preliminary protection is not well explained or guaranteed in practice.

Adjustment: Clarify what preliminary protection entails and how it functions in practice.

Article 6 – Supervision and enforcement

Improvement point: The Act does not provide sufficiently clear frameworks for supervision and enforcement.

Adjustment: Specify more clearly who is responsible for supervision and enforcement, and how these responsibilities are legally organised.

Article 7 – Excavation and disturbances

Improvement point: The article is formulated too generally and refers only to “excavation.”

Adjustment: Expand the provision to include other forms of disturbance, relocation and removal. Also include observations suspected to be of archaeological relevance. Consider changing the reporting deadline from “within three days” to “immediately.”

Article 8 – Finds and preservation

Improvement point: The current article is not aligned with international conventions, such as the Valletta Convention.

Adjustment: Ensure that finds must be preserved in situ (at the place of discovery), in accordance with international agreements.

Article 9 – Religious monuments
Improvement point: The current formulation (“in agreement with the owner”) is too restrictive.
Adjustment: Replace this with “in consultation with the owner,” allowing for a smoother designation process.

Article 12 – Publication
Improvement point: The requirement to publish in the Staatscourant is viewed as inappropriate, because publication normally occurs through the Island Council and Executive Council.
Adjustment: Consider allowing official publication through local channels that align with administrative practice on the islands.

Article 13 – Supervision
Improvement point: There is ambiguity regarding the identity and role of the supervisor.
Adjustment: Clearly define who the supervisor is, how the individual is appointed, and what responsibilities the role entails. Align this with the island ordinances on monuments.

Finally, the evaluators note that the names of the islands should be spelled out rather than using the abbreviation “BES.” The term suggests more cohesion than actually exists. A title such as “Monuments Act for Bonaire, Sint Eustatius and Saba” would better reflect the distinct character of each island.

Appendix A: Consulted Sources

Overview of Interview Partners

Exploratory interviews

Organisation	Name
Ministry of Education, Culture and Science	Joost Kuggeleijn
Ministry of Education, Culture and Science	Flora van Regteren Altena
Cultural Heritage Agency	Nanette de Jong
NRF	Hans Jacobs
Public Entity Bonaire	Herson Martinus
Public Entity Saba	Lukas van der Steen
Public Entity St. Eustasius	Raimie Richardson

In-depth interviews – European Netherlands

Organisation	Name
Central Government Real Estate Agency	Marleen Greil
Inspectie Overheidsinformatie en Erfgoed	Michiel Valkenburcht
Erfgoedvereniging Heemschut	Karel Loeff
Mondriaan Fund	Tibisay Sankatsing Nava
Stichting Monumentenbezit	Mark van den Bos
FIM Netherlands	Eefje van Duin
Culture Fund Netherlands	Cathelijne Broers en Annemarie Willems
Culture Fund Carribean Region	Melanie Sloot
National Office for the Caribbean Netherlands	Maritsa Silberi en Gilia Croes
Ministry of the Interior and Kingdom Relations	Eric Hartstra
Ministry of the Interior and Kingdom Relations	Eric Roest
Independent Heritage Consultant	Jan de Jong
Federatie Grote Monumentengemeenten	Karin Westerink
Ministry of Education, Culture and Science	Flora van Regteren Altena

In-depth interviews – Bonaire

Organsiation	Name
Public Entity Bonaire	Herson Martinus
Public Entity Bonaire	Margyëne Booi
Public Entity Bonaire	Roland Bruijnesteijn
Public Entity Bonaire	Afrida Martis
Former policy officer Public Entity Bonaire (retirement in 2018)	Alca Sint Jago
Foundation Cocari II	Jan de Vries
Fundashon Históriko Kultural Boneriano (FuHiKuBo)	Emma Louise Pratt & Frankin Dominico
Terramar Museum	Jude Finies
Magazina di Rei	Danilo Christiaan
Bonai	Lauriane Ammerlaan

Organsiation	Name
Unesco work group Bonaire + Aliansa Kultural	Liliane de Geus
Bonaire Art and Culture Foundation	Emma st Jago
Construction consultancy (Curacao)	Norman Panneflek
Culture Fund Caribbean Region	Liliane de Geus

In-depth interviews – Saba

Organisation	Name
Public Entity of Saba	Lukas van der Steen
Public Entity of Saba	Shaigan Marten
Public Entity of Saba	Mathilde Koetsier
Saba Conservation Foundation/DCNA	Dahlia Hassell
Saba Heritage Center/Saba Archeological Center	Sharifa Balfour
Harry L Johnson Museum	Glenn Holm, Kathleen Hassell, Roland Holm
Major Osmar Ralph Simmons Museum	Miranda Simmons
St Paul's Conversion Church & Sacred Heart Church	Father Zibby
Sea and Learn	Lynn Costenero
External expert	Ted Johnson

In-depth interviews – Sint Eustatius

Organisation	Name
Public Entity St. Eustatius – Culture department	Raimie Richardson
Public Entity St. Eustatius – Culture department	Dela Wilson
Public Entity St. Eustatius – Culture Coach	Sharday Bennett
Public Entity St. Eustatius - ENI	Arlene Spanner
Public Entity St. Eustatius - ENI	Lucentia (last name unknown)
Public Entity St. Eustatius - ENI	Leria (last name unknown)
Public Entity St. Eustatius - ENI	Maldwyn Timber
Public Entity St. Eustatius - ENI	Carlos Lopes
Historical Museum	Lynette Anson
Historical Museum	Althea Merkman
Public Library	Rosabel Blake
Informal interview with Ocean's View Terrace	Owner of Ocean

In-depth interviews – Sint Maarten

Organisation	**Name**
Government of Sint Maarten – Culture department	Clara Reyes
Government of Sint Maarten – Culture department	Koert Kerhoff
National Heritage Museum	Amaris Richardson
National Heritage Museum	Jean-Marc Augusty
Archeologist and external expert	Dr. Jay Haviser

In-depth interviews – Curaçao

Organisation	Name
Government of Curaçao	Caroline Manuel
Heritage expert	Michael Newton
Heritage expert	Gerda Gehlen
Freelance researcher	Stephanie van Heijningen
Architect	Anko van der Woude
Monument Preservation Foundation	Maghalie van der Bunt
Monument Fund Foundation	Jonathan Jukema

In-depth interviews – Aruba

Organisation	Name
Monuments bureau (government department)	Raul Gei
Monuments council	Jossy Figaroa
Monuments Fund Aruba	Anne Witsenburg

Appendix B: Evaluation matrix

Research questions	Indicators	Methods & sources	Remarks
1. How was the Monumentenwet BES established?	**Structure** – Involved stakeholders – Tasks – Responsibilities – Instruments – Administrative structure – Capacity	**Desk research** focused on the legal and policy system of the BES islands. Documents: Monumentenwet BES, island monument ordinances, other legal and policy documents. **In-depth interviews** with, among others, the Ministry of Ministry of Education, Culture and Science, RCE, public entities of the islands, and monument committees.	This question focuses on the legal-administrative structure of the Monumentenwet BES. The emphasis is on a description of the development history, involved actors, their roles, and the instrumentarium used.
2. How do the main stakeholders assess the effectiveness of the Monumentenwet BES?	**Conduct** – Activities – Expertise – Capacity – Cooperation between actors – Experienced bottlenecks **Performance** – Output: e.g. number of designated monuments, reports, maintenance requests – Outcome: safeguarding of quality and preservation – Impact: long-term sustainability of heritage – Possible positive and negative side-effects	**Desk research** on implementation and earlier assessments of the functioning of the Monumentenwet BES. Documents: cultural agendas of the islands, previous reports and policy documents. **In-depth interviews** with stakeholders including public entities, monument committees, owners, professionals, interest groups, and funds.	This question explores the relationship between structure, conduct, and performance within the SCP model, with the aim of assessing the effectiveness of the Act in practice.

Research questions	Indicators	Methods & sources	Remarks
3. How does the Monumentenwet BES function compared to other, similar laws, regulations and subsidies aimed at monument and heritage care in the European Netherlands and in the other countries of the Kingdom?	Structure, conduct and performance, as described above.	**Desk research** on comparable legislation and evaluations in other parts of the Kingdom. Documents: Heritage Act, Environmental Act, subsidy schemes such as SIM, Residential Building Scheme, provincial restoration schemes, policy reviews. **In-depth interviews** with stakeholders in Aruba, Curaçao, St. Maarten and the European Netherlands.	This question aims to provide a comparative analysis of the Monumentenwet BES and other legal and policy frameworks in the Kingdom, focusing on all three levels of the SCP model.
Concluding research questions			
To what extent is it desirable to (partially) declare the Heritage Act applicable to the Caribbean Netherlands?	Addressed in the conclusions, lessons learned and recommendations of the evaluation study.		
What lessons can be drawn from the implementation of the Monumentenwet BES in the period 2010–2024?	Addressed in the conclusions, lessons learned and recommendations of the evaluation study.		

Postbus 4175
3006 AD Rotterdam
Nederland

Watermanweg 44
3067 GG Rotterdam
Nederland

T 010 453 88 00
F 010 453 07 68
E netherlands@ecorys.com

K.v.K. nr. 24316726

W www.ecorys.nl