**EXPLANATORY NOTE**

**to the draft Resolution of the Verkhovna Rada of Ukraine "On appeals to the President of Ukraine regarding the awarding of the title of Hero of Ukraine Bandera Stepan Andreevich (posthumously)"**

**1. Justification of the need to adopt an act**

In the twentieth century, the Ukrainian people actively fought for the independence of Ukraine. One of the leading and most active participants in this struggle for independence was Stepan Bandera. It was this historical personality that was one of the main initiators of the proclamation of the Act of Restoration of the Ukrainian State of June 30, 1941, the deployment of the liberation activities of the Organization of Ukrainian Nationalists and the creation of the Ukrainian Rebel Army, which fought for Ukrainian statehood against the Soviet and German occupation regimes. Stepan Bandera became the personification and symbol of the struggle for Ukraine's independence, and was also considered one of the main enemies of the German and Soviet occupation regimes. Because of his activities aimed at the formation of an independent Ukrainian state, in particular through the proclamation of the Act on the Restoration of the Ukrainian State, on June 30, 1941, Stepan Bandera was imprisoned by the German occupation authorities. From 1941 to 1942 he was imprisoned in the Berlin prison, and from 1942 to 1944 in the Sachsenhausen concentration camp. At the same time, Bandera repeatedly rejected the proposals of cooperation of the German administration.

On October 15, 1959, Stepan Bandera died as a result of an assassination attempt organized by the Soviet KGB. The only reason for organizing Bandera's murder was his activities aimed at restoring Ukrainian independence. After the death of the head of the OUN with the active financial support of the USSR, a massive campaign was launched to denigrate the identity of Stepan Bandera. As for the identity of the leader of Ukrainian nationalists, fictional myths, blatantly false information, were spread. These negative myths, created by the Soviet propaganda machine, are still used by external forces hostile to Ukraine to conduct information operations against our state aimed at worsening Ukraine's image in the international arena.

One of the reasons for this situation is the lack of official recognition by the Ukrainian state of Stepan Bandera's contribution to the formation of an independent Ukrainian state.

On January 20, 2010, an attempt was made to restore historical justice in relation to the identity of Stepan Bandera, by the Decree of the President of Ukraine "On awarding S. Bandera the Hero of Ukraine" Bandera was awarded the highest state award, as a manifestation of recognition by the Ukrainian state and the Ukrainian people. However, on April 2, 2010, by the decision of the Donetsk District Administrative Court, the decree was cancelled on a formal basis, allegedly, the absence of Stepan Bandera's citizenship of Ukraine, which is necessary for awarding the title of Hero of Ukraine in accordance with the Law of Ukraine "On State Awards of Ukraine".

At the same time, such a reasoning of the court uses formal contradictions in Ukrainian legislation. In particular, Stepan Bandera was a citizen of the West Ukrainian People's Republic, and after the Act of Unification of January 22, 1919, a citizen of a single Ukrainian People's Republic. The Act of restoration of the Ukrainian State of June 30, 1941, adopted on the initiative of the OUN under the leadership of Stepan Bandera, recognizes the restored state as the successor of the UPR. On August 24, 1992, the last President of the UPR Mykola Plavyuk handed over all state symbols of the UPR, as well as presidential insignia (Kleynoda Cross of Hetman Ivan Mazepa), presidential seal and flag to the popularly elected President of Ukraine. Thus, the succession of modern Ukraine towards the Ukrainian People's Republic was established, which provides, among other things, the recognition by citizens of Ukraine of those who had the citizenship of the UPR, in particular Stepan Bandera.

It should be noted that the Law of Ukraine "On legal status and commemoration of fighters for the independence of Ukraine in the XX century" of April 9, 2015 is aimed at preserving and honoring the national memory of the struggle and fighters for Ukraine's independence in the 20th century. The same law recognizes the fighters for the independence of Ukraine, including members of the OUN, to which Stepan Bandera belonged. According to Article 1 of the Law of Ukraine "On State Awards of Ukraine", it is the state award that is the highest form of honoring citizens for outstanding services to Ukraine.

Recognition of Stepan Bandera as a hero of Ukraine is demanded by local communities. In particular, on October 5, 2017, the Lviv City Council called on the President of Ukraine to restore the title of Hero of Ukraine. On December 7, 2017, a similar appeal was adopted by the Chernivtsi Regional Council. On July 26, 2018, the Zhytomyr Regional Council proclaimed the announcement of Stepan Bandera as the year of 2019. Stepan Bandera was awarded the title of honorary citizen of Stryi, Ternopil, Ivano-Frankivsk, Lviv, Kolomyia, Dolyna, Varash, Lutsk, Chervonohrad, Terebovlya, Radekhov, Truskavets, Sokal, Stebnyk, Zhovkva, Skole, Berezhany, Sambora, Boryslav, Brody, Morshyn.

Thus, there are all grounds for proper commemoration of Stepan Bandera's contribution to the struggle for Ukraine's independence by restoring the title of Hero of Ukraine and eliminating legislative conflicts that would call into question such a decision.

The adoption of the bill will allow:

1) Properly honor Stepan Bandera, given that 2019 marks the 110th anniversary of the birth of this outstanding historical person.

2) Eliminate legislative conflicts that prevent the proper commemoration of direct fighters for The Independence of Ukraine.

3) Eliminate opportunities for external forces to use Ukrainian legislation to conduct information subversive activities against Ukraine.

4) Strengthen the fight against the spread of historical myths formed by Russian propaganda about Ukraine, its national heroes.

**2. The purpose and objectives of the adoption of the act**

The purpose of this project is to honor heroism and self-sacrifice, stepan Bandera's contribution to the formation of an independent Ukrainian state, to celebrate him with the title of Hero of Ukraine (posthumously), which is the highest degree of distinction in Ukraine.

**3. General characteristics and main provisions of the act**

The draft resolution proposes to appeal to the President of Ukraine with a proposal to confer the title of Hero of Ukraine Stepan Bandera (posthumously).

**4. The state of the regulatory framework in this area of legal regulation**

In this area of legal regulation, the Constitution of Ukraine, the Laws of Ukraine "On State Awards of Ukraine", "On the Legal Status and Commemoration of Fighters for Ukraine's Independence in the Twentieth Century" operate.

The implementation of the normative act after its adoption will not require amendments to the laws of Ukraine.

**5. Financial and economic justification**

The implementation of the draft law does not require additional expenditures from the State Budget of Ukraine.

**6. Results forecast**

The adoption of the proposed project will honor the memory of Stepan Andreevich Bandera, contribute to the restoration of the historical truth about the participants in the struggle for Ukraine's independence in the twentieth century, the consolidation of the Ukrainian nation, and the strengthening of patriotic education.