

Mateusz Jaremczuk

The National Anti-Corruption Bureau of Ukraine cooperation with secret service agencies of other countries versus the internal security of Poland

Introduction

Due to the protests in the European Square in Kiev, the Crimea crisis, and the crisis in the east of Ukraine, which took place in 2013/2014, the then president Victor Yanukovich was removed from his office. Following the events new authorities were elected in Ukraine, and the direction of the foreign policy was reversed, as up to that moment it was pointed to Russia. The new government and the president, in line with the Ukrainian people, started in 2014 a process of restoring ties with the West, particularly with the European Union and the United States. Ukraine thereupon was forced to implement a wide array of reforms regarding internal system of the state, to limit, inter alia, abuses from the power and oligarchs.¹ Implications of the Ukrainian crisis lasting since November 2013 refer also to the internal security of Poland. The Ukrainian and Polish border is, at the same time, the border between NATO and the European Union and Ukraine.

A goal of this article is to establish the influence of the National Anti-Corruption Bureau of Ukraine cooperation with other countries' special services on the internal security of Poland. The problem of corruption in Ukraine is particularly important in view of the fact that hundreds of thousands Ukrainian nationals migrate to Poland. In this context it is crucial to establish the destabilizing effect of corruption on the security of Poland. Since the problem pertains not only to those nationals, who are led to emigrate due to the internal situation of the country, but also to the country as a whole. Destabilisation of such a large country in Central and Eastern Europe affects geopolitics in the region. Consequently, it seems justified that the EU countries (particularly countries that border Ukraine) and the United States as a superpower taking care of the international order, should assist Ukrainian services responsible for combating corruption, because they have a vested interest in it. Institutions responsible for combating corruption in Ukraine have no relevant experience in that field, that is why the proper cooperation with their counterparts in other countries will affect their efficiency. In the long term the quality of cooperation will influence either the improvement or deterioration of security not only in Ukraine, but also in Poland.

¹ W. Głowacki, *Rok w którym Europa osiwiała*, Polska The Times, 21 November 2014.

Corruption versus internal security

Andrzej Barcikowski in his article *Bezpieczeństwo wewnętrzne – różne perspektywy analityczne i doktrynalne*² points out that internal security is not a separate scientific field, nevertheless, it can be regarded as related to political sciences and constitutional law, since analyses in this area have primarily a practical dimension. The author also notices that (...) *precise categorization, explication, and prediction in the field of internal security can and should influence the choice of instruments and areas of the state activity*.³ Although, he points out that internal security refers to a state as a whole, not to its individual components. Furthermore, Stanisław Sulowski emphasizes that security is not of a permanent nature and its understanding is subjective, particularly in cultural and political context.⁴

One of the factors directly influencing internal security of the state is corruption. The definition of this phenomenon shows that it takes place with the participation of two consciously acting sides. One side affects the other by means of certain goods, and this way a certain activity is enforced. Partners committing an act of corruption in conjunction and shall seek to conceal the transaction concluded to avoid responsibility. Such definition is proposed by Piotr Sulowski in his article *Korupcja zagrożeniem dla bezpieczeństwa wewnętrznego państwa*.⁵ It should be added that corruption can be committed also by one person. This applies in particular to people performing public functions, who can defraud or take the public property over, or cause it is wrongly handled while using the public position. It is also possible that people who do not perform public functions commit a criminal act. By their expertise or formal opinions they do not comply with the law and shall aim to achieve a profit.⁶ Apart from bribery and venality, corruption is also misuse of the function, nepotism, favouritism, and influence peddling. Apart from the definition, another vital factor characterizing corruption is its almost unlimited multiformity. The subject of corruption is shaped by many determinants depending on the country, by its frequency, universality, and the time this criminal act was committed. It may relate to both developed and underdeveloped countries, public and private sector, NGOs, and foundations.⁷

Speaking about the influence of corruption on the internal security of the state, Ukraine in particular, it is justified to indicate its kinds and its effects. Undoubtedly each kind of corruption brings with it negative consequences for the security

² A. Barcikowski, *Bezpieczeństwo wewnętrzne – różne perspektywy analityczne i doktrynalne*, Internal Security Review 2014, no. 11, p. 11.

³ Ibidem, pp. 11–12.

⁴ S. Sulowski, *W poszukiwaniu definicji bezpieczeństwa wewnętrznego*, www.abw.gov.pl/download/1/1756/Majew.pdf [access: 25 July 2018]

⁵ P. Sulowski, *Korupcja zagrożeniem dla bezpieczeństwa wewnętrznego państwa*, „Annales Universitatis Paedagogicae Cracoviensis. Studia Politologica” 2012, no. 8, pp. 57–58.

⁶ Ł. Szwejkowski, *Korupcja, wybrane zagadnienia*, „Materiały dydaktyczne Centrum Szkolenia Policji” 2013, no. 87, pp. 7–8.

⁷ P. Sulowski, *W poszukiwaniu definicji...*, p. 57.

of the country, both in the long term as well as in the short term. Corruption can be classified with regard to several factors. For the purposes of this article a breakdown by the spheres of the state activity has been adopted, i.e. administrative, economic, and political. Sometimes there is an overlap between these spheres, the phenomenon of corruption is also quite often present on several levels. Administrative corruption (clerical corruption) relies on taking by the public administration workers additional perks of the job in official affairs for realising or withdrawal of an obligation resulting from the policy of this certain institution. Corrupted public administration workers in return for personal benefits, generate economic losses, and make it impossible for the country to act properly. Economic corruption is connected to clerical corruption. It happens where administrative decisions are made, followed by spending money from the state budget. It relies mainly on bribery and venality. These are the instruments, owing to which businessmen can influence the clerks and politicians in order to achieve favourable conditions for their businesses. It causes disturbances in economic processes of the state, and in consequence inhibition of development, and fall in productivity by intervention in the market. Furthermore, it paralyzes proper functioning of the country, and decreases the authority of state institutions. Third kind of corruption is political corruption. It means illegal activities in favour of political parties and their members, that aim at getting or maintaining power illegally. Political corruption has a particular impact on the functioning of a country by direct influence on the governance, which leads to a destabilization of the political scene. This kind of corruption is very often connected with the culture and history of a country, since it is followed quite often by social acceptance and regarding the phenomenon as a common practice.⁸

Furthermore, Olgierd Chybiński devoted a lot of attention to the phenomenon of influence peddling.⁹ He pointed out a danger coming from the fact that it is rooted in society. Since in many countries it is accepted that in order to settle formalities you need to have contacts, or bribe a contact man. This practice is often used by frauds, who often have nothing to do with this particular institution.

The main implications of corruption for the state internal security are as follows: generating costs of the state, which eventually must be covered by citizens, slowdown in the economy, political decision making dependence on outer entities, drop in attractiveness for foreign investors, lowering the confidence of citizens in the state institutions, and restriction of competition in the economy. A particularly harmful factor to a country is also the fact that the level of corruption is directly proportional to difficulties in getting rid of the problem. It comes from a dependence of authorities and clerks on the money from corruption. The bigger the dependence, the less motivation to introduce legal regulations to fight the phenomenon.¹⁰

⁸ Ibidem, pp. 58–64.

⁹ O. Chybiński, *Platna protekcja*, Warszawa 1967, pp. 7–8.

¹⁰ A. Barcikowski, *Bezpieczeństwo wewnętrzne...*, pp. 18–19.

Fight against corruption in Ukraine

Corruption is one of the major problems in Ukraine, which separates the country from the west effectively. One of the reasons for demonstrations and protests known as Euromaidan was President Yanukovich declaration of suspending the Ukraine-European Union Association Agreement on 18 November 2013. Experts point out that by signing the document and declaring the will of cooperation with the European Union, Victor Yanukovich would have pledged state reforms also as far as combating corruption is concerned. The President, under influence of Russia and groups of oligarchs, had decided to demonstrate attachment to former style of power and had not appeared in Vilnius, where the agreement was supposed to be signed.¹¹ It caused escalation of riots in the Ukrainian society hoping for change, particularly among dysfunctional authorities.¹² The overthrow of President Yanukovich followed the so called Revolution of Dignity. Coming into power by Petro Poroshenko and the change of government in 2014 gave hope for reforms in the state and elimination of irregularities from the public life.

According to the Global Corruption Barometer published by Transparency International in January 2017, Ukraine takes 131 position as regards corruption among 176 countries in the rank.¹³ In a 2016 poll¹⁴ Ukraine scored 29 points out of 100 (the higher the score of points the higher transparency and less problems with corruption). In view of this Ukraine was among the most corrupted countries in the world. Respondents from Ukraine perceive corruption as one of the crucial problems of the country (56% of those surveyed; 69% stated economic problems in the first place). They claim that the level of corruption in Ukraine has not changed for the last several years (72% of respondents), and President Petro Poroshenko is considered to be guilty of the situation (60% of respondents). The incumbent President of Ukraine does not enjoy public confidence. Only 13% of the respondents are convinced that the authorities of Ukraine are heading to deal with the problem of corruption which translates into a negative attitude toward the president (70% does not trust him). Furthermore, the report states that decline in support for the present authorities translates into a growth of support for populist parties, that are not, paradoxically, interested in fighting corruption. As far as the self-reflection of the Ukrainians alone regarding the subject of corruption, the poll's results are also not a positive prognosis for possible changes. Admittedly, ca. 33% of respondents point out bribery as one of three main causes of inefficient struggle with corruption, and only 25% of respondents claim that the society is

¹¹ M. Czech, *Kres zbliżenia Ukrainy z Europą: Janukowycz wyrócił stolik*, Gazeta Wyborcza, 22 November 2013.

¹² K. Kwiatkowska, *Mustafa odbije Ukrainę*, Gazeta Wyborcza, 29 November 2013.

¹³ www.transparency.org, *Corruption Perceptions Index 2016* [access: 03 I 2018].

¹⁴ At the time of publication of this article the 2017 poll will be accessible; its publication is scheduled for 27 January 2018.

co-responsible for that. The fact that 2/3 of Ukrainians consider corruption as an integral part of their lives deserves particular attention.¹⁵

Despite the fact that the poll's results show that Ukraine is deeply plunged into corruption, it should be noted that in view of the Global Corruption Barometer results, some slight and subtle positive changes are observed. In 2012 Ukraine scored 26 points, in 2013 – 25 points, in 2014 – 26 points and in 2015 – 27 points, according to Transparency International reports.¹⁶ A growing tendency can be seen, except the year of 2013. However, it was just the year of 2013 regarded as the breakthrough in Ukrainian society.

In view of the fact that the material and financial support for Ukraine was conditional and dependent on the struggle with corruption in the country, a number of specific actions were taken. Eradication of corruption from public life has become one of the key tasks of the new government by Arseniy Yatsenyuk and then by Volodymyr Groysman. In October 2014 Ukrainian parliament adopted a set of anti-corruption acts being a formal basis for establishing institutions to fight corruption, i.e. the National Agency of Ukraine for finding, tracing and management of assets derived from corruption and other crimes, the National Agency for Prevention of Corruption, the Specialized Anti-Corruption Prosecutor's Office and the National Anti-Corruption Bureau of Ukraine (NABU).¹⁷

One of the watershed moments in the struggle with corruption in recent times in Ukraine was the disclosure of financial statements of more than 100 000 public administration personnel and politicians, including the highest-ranking politicians. The system of electronic financial statements caused quite a stir among the Ukrainian society. It became apparent that, according to Reuter assessments, it was almost 300 000 USD savings per one member of Ukrainian government on average, whilst they got 200 USD parliamentary salary per month each. Making the data public met with the discontent of the Ukrainian parliamentarians.¹⁸

Implementation of the ProZorro electronic open source government e-procurement system can be regarded as a success in struggle with corruption. It allowed to save only in 2016 ca. 320 million USD in central budget.¹⁹

Piotr Kościński informs, referencing the Ukrainian Web site "Nashi Groshi", that still the biggest problem in Ukraine is corruption of the most important institutions in the country, including courts. It is in the interests of judges and prosecutors to maintain the present status quo. The daily says that from among ca. 1000 people charged with corruption between July 2015 and June 2016, only 3% of them were finally given a legally valid sentence. As far as losses for the state budget are concerned, the assets from corruption offences confiscated between 2015 and 2016 only amounted to

¹⁵ V. Rybak, *Ukraine's fight against corruption, explained*, Euromaidan Press, 16 December 2016.

¹⁶ www.transparency.org/cpi [access: 3 I 2018].

¹⁷ P. Kościński, *Problem korupcji na Ukrainie*, Biuletyn PISM, no. 3 (1445), 13 January 2017.

¹⁸ V. Rybak, *Ukraine's fight against corruption ...*.

¹⁹ www.transparency.org, *Co-Creation of ProZorro*, [access: 3 I 2018].

10 000 USD in spite of the assumed 368 million USD. It is easy to calculate that the budget income was 36,800 times smaller than expected.²⁰

Nevertheless, the start of struggle with corruption by the Ukrainian country, observed after Euromaidan, should be regarded as a positive. It is hard not to notice though that the motivation of the government and the administration, as well as of the whole society seems to be limited in this struggle. Thus it seems justified to claim that without any help from abroad Ukraine is not able to tackle such a big problem. Maria Jarosz confirms that and describes the phenomenon of corruption as both the cause, and the effect of the institutional failure of the state.²¹

The National Anti-Corruption Bureau of Ukraine

On 14 October 2014 Verkhovna Rada of Ukraine adopted the Law “On the National Anti-Corruption Bureau of Ukraine”(NABU), which entered into force on 25 February 2015.²² Founding and launching the National Anti-Corruption Bureau was one of the requirements set by the International Monetary Fund and the European Commission for liberalization of visa restrictions between Ukraine and the European Union.

Article 1 of the Act says that **the National Anti-Corruption Bureau of Ukraine is a state law enforcement agency with the key objective of preventing, exposing, stopping, investigating and solving corruption-related offences committed by high officials, and averting new ones. Article 4 of the Act says about guarantees of NABU independence. It is to be reassured by specific procedures of appointment a director of the Bureau, appointing the employees of the Bureau based on the open competition results, specific procedures of financing the Bureau, and specific measures described in legal act, which ensure safety of the Bureau employees and their families. According to Article 5 of the Act, the maximum staff number of the Bureau is 700 employees, including 200 high level personnel.**²³

In January 2015 for the first time in the history of Ukraine an open competition for position of director of a state agency was announced. 186 candidates applied for the position of Director of the National Anti-corruption Bureau of Ukraine. The winner of the competition was Artem Sytnyk.²⁴

According to Ruslan Minich in NABU there are good experts by Ukrainian standards employed. It allowed to start investigating hundreds of cases concerning corruption offences. The problem for the institution is dependence of its activities on other services and institutions. Minich gives an example of dependence on the Security

²⁰ P. Kościński, *ibidem*.

²¹ M. Jarosz, *Władza, przywileje, korupcja*, Warszawa 2004, p. 249.

²² The full text of the Act on <http://zakon4.rada.gov.ua/laws/show/1698-18> [access: 4 I 2018].

²³ *Krajowe Biuro Antykorupcyjne Ukrainy*, „Przegląd Antykorupcyjny” 2016, no. 1 (6), pp. 225–227.

²⁴ <https://nabu.gov.ua/en/history-nabu> [access: 4 I 2018].

Service of Ukraine (SBU) in regard to wiretapping and releasing by courts individuals arrested by NABU. The author points out the need to appoint an independent anti-corruption court as a totally new institution, which would supplement NABU activities and the activities of the Specialized Anti-Corruption Prosecutor's Office. Furthermore, the Bureau's activities are disturbed by incumbent politicians, who start to cease to feel impunity and try to take control of the Bureau. It is a very popular idea among Ukrainian MPs to delegate control of the NABU to the Prosecutor's General Office (dependent on politicians).²⁵

Igor Shevliakov, the author of article *Ukraine*²⁶, referring to challenges of Ukrainian institutions in struggles with corruption points out that NABU is not able to function properly without any outside assistance. Establishing of NABU was certainly a symptom of the Ukrainian struggle with corruption. Although weighing the ideology of its establishment against pragmatism is ruthless. The Bureau with the assistance of services from other countries, particularly the Federal Bureau of Investigation (FBI) functions, as far as possible, independently of authorities. Maintaining this tendency is a huge challenge, because currently it is the only institution acting independently. In case of struggles with corruption it is sine qua non. It was a great success when the Bureau was established, but if it loses its autonomy the success will be worthless. The struggle with corruption in Ukraine cannot be successful without effectively acting NABU. Igor Shevliakov adds that corrupted Ukrainian authorities are very well aware of that and try to influence its activities.

The National Anti-Corruption Bureau cooperation with other countries' special services

Founding NABU was initiated from outside as one of the requirements for further talks between the European Union and Ukraine on relaxation of visa policy. Its founding does not, however, mean that the problem of corruption in Ukraine has been solved yet. In reality it was a signal for changes, whereas it gets more and more opponents in the course of time. What is important, these opponents come from Ukraine and very often hold key positions for the country. Taking into account the scale of the problem in Ukraine, it is necessary to get external support for NABU activities. The assistance for the Bureau comes mainly from the west, the support is offered by Americans, Poles, and those countries that have a vested interest in stopping further destabilization of Ukraine.

The United States as a superpower shall endeavour to maintain or even widen their sphere of influence. Ukraine is a good example. Just after Victor Yanukovich had been overthrown, Ukraine became a partner for the European Union and

²⁵ R. Minich, *Ukraine's Fight Against Corruption: Stumble But Not Fall*, Internews Ukraine, 14 April 2017.

²⁶ I. Shevliakov, *Ukraine*, in: *Anti Corruption in Moldova and Ukraine*, A. Sobjók (ed.), Warszawa 2015, pp. 27–33.

the US. Ukraine is the NATO direct neighbour and a crucial country in a strategic and geopolitical sense. Ukraine is also within Russia's interest, mainly because it had belonged to the USSR.²⁷ After the annexation of Crimea and destabilizing eastern parts of Ukraine, Russia chose not to get into an open conflict with Ukraine. Destabilized Ukraine is an attractive partner for the US. By financial means, the US influence Ukrainian authorities and create a buffer zone in the form of Ukraine between NATO and Russia.²⁸ It should also be stressed that it is crucial for the security of Poland as well.

In the last three years only, the United States have provided a financial assistance to Ukraine in the official amount of 1,5 billion USD. During President Obama presidency, in March 2014, the US Congress authorized financial aid to Ukraine amounting to 1 billion USD.²⁹ It was period of significant change in Ukraine, taking place mostly at the highest levels of government, and the money was to be dedicated to pro-democratic reforms and combating criminality. The next amount of money totalled 220 million USD. According to Reuters agency, it was transferred in June 2016.³⁰ The money was transferred two months after Volodymyr Groysman took over as a prime minister. Joe Biden, the US Vice President, while informing about this financial aid praised the reforms undertaken by Ukraine. On 12 December 2017 Blair Guild informed on the CBS web site that President Donald Trump signed the new 2018 US defence budget which grants 350 million USD financial aid to Ukraine.³¹

Transfer of such large amounts of money for reforms in Ukraine is not done hastily by Americans. Having the awareness of how big the problem of corruption in Ukraine was and how risky the transfer of huge sums of money to the Ukraine administration was, the Americans indirectly contributed (via the IMF) to the establishment of NABU. One of the most important partners of the Bureau and a role model was the FBI. In January 2016 the director of NABU Artem Sytnyk paid a visit to Washington, during which he signed an official agreement on mutual cooperation with the FBI. As Sytnyk stressed in the Voice of America³², a particularly important aspect of cooperation is the fact that the FBI has instruments to follow dollars transactions, which is invaluable in struggling with corruption. The Director of NABU pointed out as well that the problem of corruption in Ukraine extends far beyond its boundaries, and detection of means flowing out of his country would be extremely difficult without the assistance of the FBI. The agreement established cooperation in combating money laundering, recovery of assets and combating corruption among high-level officials in Ukraine.

²⁷ M. Czech, *Rosja bez Ukrainy jak bez ręki. Plan przebrojenia armii poważnie zagrożony*, Gazeta Wyborcza, 23 June 2014.

²⁸ K. Przybyła, *NATO wobec konfliktu na Ukrainie*, „Bezpieczeństwo Narodowe” 2016, no. 37–40, pp. 118–120.

²⁹ J. Weisman, *Congress Approves Aid of \$1 Billion for Ukraine*, The New York Times, 27 March 2014.

³⁰ www.reuters.com, *U.S. to give Ukraine \$220 million in new aid: White House* [access: 4 I 2018].

³¹ www.cbsnews.com, *Trump signs National Defense Authorization Act* [access: 4 I 2018].

³² www.zik.ua, *NABU and FBI will sign Memorandum of cooperation* [access: 5 I 2018].

Furthermore, the American agency promised to provide the Ukrainian service with proper equipment. It is worth noting that the equipment for digitalization of documents provided by the FBI was already used in June 2016 during Black Accounts affair linked to the Ukrainian Party of Regions headed by Victor Yanukovich. Using techniques transferred by Americans made the job of this Ukrainian service much easier.³³

It was already in February 2016 when Artem Sytnyk informed in a radio interview that an FBI agent had been assigned to the Bureau to cooperate with NABU detectives and supervise their activities in terms of their compliance with American standards.³⁴ In May 2015 American Ambassador to Ukraine, Geoffrey Pyatt, visited the NABU.³⁵ He paid attention to the role of the Bureau in changes taking place in Ukraine. He assured that the US were to continue to support the NABU in their struggle with corruption, mainly in terms of performing orders relating to high risks.

The memorandum of cooperation between the FBI and the NABU came officially into force on 29 June 2016. Two weeks later, first FBI agents came to Ukraine to conduct training for Ukrainian employees of the Bureau.³⁶ First special training lasted 10 days and covered, inter alia, tactical training, arms practice, methods of arresting criminals in a building and in a car, as well as ways of clearing buildings.

The year 2017 proved to be very fruitful for cooperation between the NABU and the FBI. In June 2017 detention took place in connection with the Amber case³⁷ conducted by the NABU with cooperation with the FBI. The cooperation between the two institutions allowed to detect illegal process of amber mining in the western Ukraine and to arrest some officials, including the regional deputy prosecutor. Moreover, a Ukrainian parliamentarian is also under suspicion. The Director of the NABU stressed that the operation would not be possible without the FBI assistance. High rank individuals involvement in the case led to a conflict among Ukrainian institutions responsible for struggle with corruption. Organs directly supervised by politicians opposed the way the NABU had conducted the case. It also highlighted the scale of the problem the NABU has to deal with. Few days after details of the operation had been revealed, Kyiv Post informed via Interfax-Ukraine agency that the memorandum of understanding between the two agencies was prolonged for another two years.³⁸ Both sides stated that they are satisfied with their mutual cooperation and are willing to continue and develop it.

³³ www.nabu.gov.ua, *The NABU Director calls upon individuals mentioned in Trepak's lists to provide their handwriting samples voluntarily* [access: 5 I 2018].

³⁴ www.nabu.gov.ua, *FBI representative will work together with the NABU detectives* [access: 5 I 2018].

³⁵ www.112.international, *US Ambassador visited Ukrainian National Anti-Corruption Bureau* [access: 5 I 2018].

³⁶ www.112.international, *FBI train Special Forces of Ukraine's National Anti-Corruption Bureau* [access: 6 I 2018].

³⁷ www.interfax.com.ua, *Amber case first joint NABU-FBI operation* [access: 6 I 2018].

³⁸ www.kyivpost.com, *NABU, ФБР розширюють співпрацю ще на 2 роки* [access: 6 I 2018].

The Amber case was not the only operation carried out in cooperation with the FBI in 2017. In September there was a crisis of state institutions responsible for combating corruption in Ukraine. The NABU in cooperation with the FBI and the Specialized Anti-Corruption Prosecutor's Office started a case on a possible illegal enrichment of the chief of the Prosecutor General Office of Ukraine, Yuriy Lutsenko, and possible corruption at the State Migration Service of Ukraine. Its head staff was to make profits from legalization of foreigners' stay in Ukraine. The case was described by James Marson in *The Wall Street Journal*.³⁹ The reporter stressed that the efficiency of anti-corruption activities in Ukraine is closely linked to financial means from the IMF or the World Bank. In November 2017 the Security Service of Ukraine and the Prosecutor General Office came into conflict with the NABU and Specialized Anti-Corruption Prosecutor's Office. An NABU agent was arrested at that time, acting undercover in a case concerning irregularities in the State Migration Service of Ukraine. The agent was arrested by order of the Prosecutor General, who claimed that the NABU had acted outside the law. The case got a lot of publicity in the West. Christine Lagarde, representative of the IMF expressed her concern over the events that might stop development of independent institutions designated for combating corruption in Ukraine. The World Bank and the US State Department issued statements in a similar tone, suggesting that any restrictions on the NABU independence may have some serious implications in support of Ukraine by western countries. Ukrainian authorities, despite strong pressure, decided to submit in Parliament a draft act on possibilities to call off the Director of the NABU by a parliamentary vote of no confidence. Eventually, the bill was not proceeded by the parliament at all. According to some commentators, President Petro Poroshenko and other top politicians in Ukraine are not satisfied that the NABU, in cooperation with the FBI and other services, is an independent institution, detaining on charges also significant politicians or people linked to them (for example, the son of the Minister of the Interior).⁴⁰ Commentators stress also that bearing in mind the pressure from the West, President Poroshenko and his party will not decide on radical changes in the NABU, although fruitful cooperation between them cannot be expected.⁴¹

Cooperation between the NABU and the FBI seems to be crucial for further development of the service and its further existence. In fact it is hard to imagine independence of the Bureau in Ukrainian reality without the outside assistance of services and organizations. Although the cooperation with Americans is not the only one, the NABU established.

Few months after the NABU had been established, it started cooperation with its Polish counterpart – the Central Anti-Corruption Bureau (CBA). According to the news

³⁹ J. Marson, *Corruption Battle Roils Ukraine*, *The Wall Steer Journal*, 12 September 2017.

⁴⁰ T. Vorozkho, *FBI Says Its Support for Anti-Corruption Unit Abides by Ukrainian Law*, *Voice of America*, 7 December 2017.

⁴¹ J. Donati, *Feud Thwarts FBI-Backed Anticorruption Efforts in Ukraine*. *The Wall Street Journal*, 7 December 2017.

by the Polish Press Agency (PAP)⁴² – the then Prime Minister Arseniy Yatsenuk invited a delegation of the CBA in May 2015, stressing that Ukraine wanted to benefit from the experience of the Polish bureau in the fight against corruption and that he counted on CBA assistance in choosing the best anti-corruption measures for Ukraine. The meeting of the Polish delegation with Ukrainian authorities took place in May 2015.

One year later, in May 2016 in Warsaw a memorandum of understanding between the NABU and CBA was signed. It was the first agreement reached by the Ukrainian Bureau with a foreign anti-corruption service. During his visit to Warsaw, the Director of the NABU stressed that the choice was not accidental. His service studied other countries' experiences in fighting corruption, but in the end it decided to follow the Polish model, applied for 10 years. Apart from signing the memorandum, other elements of the cooperation were established, inter alia, frames of investigative, analytical, supervisory, or operational cooperation between the two services.⁴³

Signing the agreement on preventing corruption threats in October 2017 was the next step in tightening cooperation between the Polish and Ukrainian organizations. It was connected with the fact that Polish government granted Ukraine a 100 million Euro loan. This financial support is to be spend on improving border infrastructure on the Ukrainian side.⁴⁴

Apart from American and Polish services, the NABU established cooperation with institutions of other countries. The cooperation is possibly not so strong as in case of the cooperation with the FBI and the CBA. Nevertheless, it is worth pointing out that the level of corruption in Poland, let alone in the US, was never so high like in Ukraine and not all means used by the services to fight corruption are adequate to situation in this country. In view of this, the Director of the NABU established official cooperation with the Specialized Investigation Service, Lithuania and the National Anticorruption Directorate (DNA) at the Prosecutor's Office, Romania.⁴⁵

Only outwardly we may seem surprised at cooperation between the Ukrainian Bureau and Hong Kong Corruption Independent Commission Against Corruption. First of all, the institution has a vast experience, it has been functioning since 1974, which can have an educational dimension for Ukrainian side. Second, from a pragmatic point of view it should be pointed out that, according to the NABU, 15 759 million USD from corruption offences was transferred to Hong-Kong. At present, a proper memorandum of understanding is being prepared, like those already signed by the NABU.⁴⁶

It should also be noted that the NABU cooperates not only with services from other countries, but also with international organizations dealing with corruption.

⁴² www.pap.pl, *Ukraińcy chcą walczyć z korupcją*, [access: 7 I 2018].

⁴³ www.pap.pl, *Memorandum o współpracy polskich i ukraińskich służb antykorupcyjnych*, [access: 7 I 2018].

⁴⁴ www.antykorpucja.gov.pl, *Umowa CBA i ukraińskiego NABU* [access: 7 I 2018].

⁴⁵ www.nabu.gov.ua, *NABU will strengthen cooperation with the Special Investigation Service of the Republic of Lithuania* [access: 7 I 2018].

⁴⁶ www.nabu.gov.ua, *NABU will strengthen cooperation with anti-corruption agencies of Hong Kong* [access: 7 I 2018].

Cooperation with Europol is one of the priorities for the Bureau. Within the framework of the cooperation common investigation teams are created to fight trans border crimes, which is really important when the money is transferred beyond Ukraine. According to the Bureau the money is transferred to 41 countries.⁴⁷

Influence of the National Anti-Corruption Bureau of Ukraine activities on internal security of Poland

Since the beginning of its establishment in 2015, the NABU have arrested 149 persons in connection with corruption offences in 461 cases. The Bureau established that during that time the country lost more than 3 billion USD because of corruption offences. It is a huge amount of money for a country in crisis, taking into consideration the fact that almost all corruption offences are committed by nationals of the country.⁴⁸

In spite of the inefficient fight with corruption by the present Ukrainian authorities, it seems that the future of Ukraine will depend on changes in this area. It is with close connection with politics of conditionality applicable by the West. It seems that the one and only effective solution is to make financial aid conditional on further reforms, mainly fighting with corruption. Struggle with corruption in Ukraine is the only chance to come out of the crisis. Lack of changes would mean further plundering of the country assets by rulers, and in the end it would lead to a collapse of the country.⁴⁹

Security of Ukraine is strongly linked to security of Poland. Possible deepening of the crisis in the country can have negative effects on the internal security of Poland in several areas.

Exports by Polish companies to Ukraine in 2017 was at the highest level since many years. According to the Main Statistics Office (GUS), it amounted to 8 877 million PLN only in the first half of 2017, and in comparison to the same period of time in the last year it increased by 41%. According to reports by GUS, this increasing tendency in exports to Ukraine has been more and more visible since the change of power in the country in 2014. We cannot ignore the fact that it is the time when Ukrainian reforms started, including combating corruption offences, which made the country more interesting for Polish companies.⁵⁰

Marcin Lis, the editor of money.pl, informed that by the end of 2017 there will have been 2 million Ukrainian citizens employed legally in Poland, and by the end of 2018 the number will have increased up to 3 million.⁵¹

⁴⁷ www.nabu.gov.ua, *The NABU will cooperate with Europol while investigating cross-border corruption offenses* [access: 7 I 2018].

⁴⁸ www.nabu.gov.ua [access: 7 I 2018].

⁴⁹ P. Kościński, *Problem korupcji na Ukrainie...*

⁵⁰ www.businessinsider.com.pl, *Polska wraca na Ukrainę w wielkim stylu. Eksport wystrzelił* [access: 7 I 2018].

⁵¹ www.money.pl, *Za rok w Polsce będzie pracować 3 mln Ukraińców. Ich pensje rosą szybciej niż przeciętne* [access: 7 I 2018].

Indirect reason for such a big number of migration is the phenomenon of corruption, which stops development of the country and makes its citizens to seek job abroad. The editor, Lis is of the opinion that it is a positive piece of information from the perspective of Polish economy. He also notices that together with the influx of so many Ukrainians to Poland, the problem of the so called grey economy, viz., illegal employment grows as well, which poses a risk to the economic security of the country.⁵² The influx of so many citizens of Ukraine, which has been expanded significantly in a relatively short time, made the risk of criminal offences by migrants higher.⁵³ It is worth noting that citizens of Ukraine more often commit offences against economy of the country, mainly extortion of VAT.⁵⁴

Having in mind the significance of Ukraine as a large country in crisis, in the vicinity of Poland it should be obvious that its future is strongly linked to the security of Poland. Economic ties, the number of Ukraine citizens and geopolitical significance of the country, determine support for Ukraine in reforms to improve its situation. Having also in mind that currently the NABU is the only independent institution assigned to struggle with corruption offences in the country, western services should give as much assistance as they can. Apart from financial aid, western institutions should first and foremost influence Ukrainian politicians, who seem to be the biggest problem in the fight with corruption at the moment.

By induction by meaningful analysis of source materials it was confirmed that the quality of the NABU activities is dependent on its cooperation with western services and its effectiveness has direct impact on the level of security in Ukraine. This causal link influences the internal security of Poland as a result of the geopolitical location of Ukraine and the effects of internal crisis in that country.

Abstract

Events related to the so-called Euromaidan led to a change of power in Ukraine, and, consequently, to the country's turning to the west. The newly elected authorities were forced to take appropriate measures to combat the problem of corruption. It was a condition for Ukraine to receive financial support from the European Union and the United States. The problem of corruption is one of the main reasons for the stagnation of this country. In 2014, institutional foundations were created in Ukraine to fight corruption, including the National Anti-Corruption Bureau of Ukraine. It is the only independent body operating in the Ukrainian state, intended to fight corruption. The destabilization of Ukraine resulting from the violation of law by the highest-ranking politicians and officials brings consequences for Poland as a Western neighbour and

⁵² www.businessinsider.com.pl, *Brakuje ręk do pracy, a problem pogłębia szara strefa* [access: 7 I 2018].

⁵³ www.antykorupcja.gov.pl, *Handel lewymi fakturami* [access: 7 I 2018].

⁵⁴ www.antykorupcja.gov.pl, *Handel lewymi fakturami* [access: 7 I 2018].

the entire region of Central and Eastern Europe. The decline in security in Ukraine results, inter alia, in emigration of citizens of this country, mainly to Poland, which affects directly its internal security. Supporting the activities of the National Anticorruption Bureau of Ukraine in the fight against corruption in Ukraine lies in the interest of the European Union and the United States.

Keywords: corruption, internal security, Poland, Ukraine, secret service.