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**MAKING IT RAIN DOWN IN AFRICA – THE INCREASE IN AFRICAN-BORN  
ATHLETES IN AMERICAN BASKETBALL LEAGUES AND THE UNCERTAIN  
FUTURE OF THE INDUSTRY**

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\* J.D., The Ohio State University Moritz College of Law, 2019; BBA, Marshall University, 2016. I would like to thank Professor John Quigley, Emily Cashell, William Donovan, William Braff, and Carli Gambino for their thoughtful feedback on this piece, as well as Nathan Samples for sparking my interest in this topic.

## I. Introduction

Globalization is not a new concept. There are countless historical examples of countries and industries creating agreements and crossing borders to gain the necessary resources and goods in an attempt to increase the productivity and success of their institutions. While it is not overly surprising that there has been an uptick in the globalization of the world in modern times, the globalization of sports has been both an unexpected and intriguing practice that has grown dramatically in recent years. Along this vein, there has been a distinct increase in the number of African-born athletes migrating to the United States in order to play basketball. This paper will first discuss possible reasons for the historical growth of African-born basketball players at the professional level, and then analyze the trickling-down effect that has occurred at both the collegiate and high school levels. This paper will then consider the difficulties that face those currently making this migration by highlighting the specific experiences of those currently participating. This paper will then extrapolate a possible direction this industry could take, and address conceivable problems that could come from this industry's growth.

## II. The Beginnings – The First African-Born Athletes in Professional Basketball

Even though the civil rights movement began the process of integrating African-American athletes into American sports, there was a delay in the integration of African-born athletes into American sporting events. For instance, the first African-born professional football player in the modern era, Howard Simon Mwikuta, did not play until 1970.<sup>1</sup> The Zambian native's career was short lived, as he only appeared in one game before being released from his professional team.<sup>2</sup> Remarkably, Major League Baseball did not see its first African-born player hit the main stage until Gift Ngoepe of South Africa appeared in 2017.<sup>3</sup> While major professional sports organizations like the National Football League and Major League Baseball are still growing their relatively small market of African-born prospects, the impact on basketball and other professional sports has led to a migration of African talent to the United States.

Arguably, the biggest impact on the influx of African-born professional athletes in American basketball leagues began with the first African-born NBA player – Hakeem Olajuwon.<sup>4</sup> Olajuwon was born in Lagos, Nigeria, before moving to Texas to attend college and play basketball for the University of Houston.<sup>5</sup> After redshirting his first year, Olajuwon went on to be a highly successful player for his college team, and was eventually drafted with the first pick to play professionally for the NBA in 1984.<sup>6</sup>

Hakeem “the Dream” Olajuwon, as he later came to be known, was a perfect representative for his continent as the first African-born player for the NBA, as he had immediate success at the

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<sup>1</sup> Sunni Khalid, *From America to the NFL*, THE UNDEFEATED, December 5, 2017, at <https://theundefeated.com/features/from-africa-to-the-nfl-native-born-and-first-generation-players/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Watch: Pirate's Gift Noepe, MLB's First African-born Player, notch's first hit*, SPORTS ILLUSTRATED, April 16, 2017 at <https://www.si.com/mlb/2017/04/26/pirates-gift-noepe-first-african-born-mlb-player>.

<sup>4</sup> *Foreign-born talent taking hold in high school basketball*, MAXPREPS, May 13, 2010, at <http://www.maxpreps.com/news/qVDRxF4bEd-lugAcxJTdpq/foreign-born-talent-taking-hold-in-high-school-basketball.htm>.

<sup>5</sup> NBA Encyclopedia, Playoff Edition, NBA, at [http://www.nba.com/history/players/olajuwon\\_bio.html](http://www.nba.com/history/players/olajuwon_bio.html).

<sup>6</sup> *Id.*

higher level. Olajuwon was second in Rookie of the Year voting, and went on to win the NBA finals, the NBA regular season Most Valuable Player, and the NBA Finals Most Valuable Player awards.<sup>7</sup> After 18 highly-successful seasons in the NBA, Olajuwon retired from professional basketball, and has gone down as one of the best basketball players of all time.

After seeing the success of Hakeem Olajuwon and others, the NBA began taking concerted steps towards opening its borders to include international players. Since Olajuwon was drafted, twenty-three African-born players played in the NBA between 1984 and 2010.<sup>8</sup> Moreover, since 2010, that number has grown to over 80, with many of the league's stars coming from Africa.<sup>9</sup> Because of this increase in African participation in the NBA, the league has held a yearly event where an all-star team built entirely of African-born players plays against a "world" team.<sup>10</sup> This game is held in Africa, and was most recently played in Pretoria, South Africa.<sup>11</sup> Since the NBA has set its eyes on the continent of Africa because of its talent, this has had a trickle-down effect, creating a market for highly-talented African college and high school players.

The NBA has begun the process of integrating the sport of basketball into the lives and schools of young Africans, thereby creating a market for future players that had otherwise never existed. In addition to the NBA's yearly game on the continent, the NBA sponsors the "Africa 100 Camp", where current and former NBA players and coaches instruct one hundred of the top African basketball prospects.<sup>12</sup> The increase in NBA influence in Africa has led to an increase in the sport across the African continent, which has in turn created a larger number of potential athletes both at the professional and collegiate levels.

### III. Trickle-Down Effect - Subsequent increase of Africans in collegiate athletics

The success of professional African-born athletes has translated to an increase in African-born student athletes attending American universities. While the NCAA does not keep track of how many African-born athletes are currently attending American universities, there were over 20,000 internationally-born NCAA athletes competing in Division I and II programs in the 2016-2017 academic school year.<sup>13</sup> This figure does not include the many Division III programs, so the calculation is lower than the actual participation of international athletes.<sup>14</sup>

Not only are these athletes competing, they are thriving. Nine of the top 100 collegiate prospects for the NBA from 2011-2013 were from Africa.<sup>15</sup> The African prospects' success has turned the historically ethnocentric focus of American scouts and coaches away from the tradition of recruiting only American athletes, and towards recruiting basketball players from Africa. For instance, arguably one of the best college basketball programs in the country, the University of Kansas, has spent considerable resources recruiting players from Africa to their basketball team.

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<sup>7</sup> *Id.*

<sup>8</sup> MAXPREPS, *supra* note 4.

<sup>9</sup> *With Over 80 Players from Africa, NBA Seeks More Talent From the Continent*, AFRICA NEWS, March 8, 2018 at <http://www.africanews.com/2018/08/03/with-over-80-players-from-africa-nba-seeks-more-talent-from-the-continent/>.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Africa 100 Camp Log*, NBA, at [http://www.nba.com/global/africa100\\_index.html](http://www.nba.com/global/africa100_index.html).

<sup>13</sup> INTERNATIONAL STUDENT ATHLETES, NCAA, <http://www.ncaa.org/student-athletes/future/international-student-athletes> (Last visited October 29, 2018).

<sup>14</sup> *Id.*

<sup>15</sup> MAXPREPS, *supra* note 4.

In the past few years, Kansas has brought such players to their program as Joel Embiid from Cameroon, Cheick Diallo from Mali, Udoka Azubike from Nigeria, and Silvio De Sousa from Angola.<sup>16</sup> These players were not exposed to basketball at a young age, but quickly developed into top international talents. The University of Kansas's increased interest in African athletes is in large part due to the increased exposure of the sport from programs like the NBA's Africa 100 camps and the success of many African players at the higher level.

While the main focus of this paper is the influx of African basketball players into the United States, basketball is not the only sport that has experienced an increase of African-born collegiate athletes. Since the 1960's, many universities have been recruiting African track and field runners to participate on their college teams.<sup>17</sup> The increase began in large part because of the success countries like Kenya have had in the Olympic games. It was at venues like these that collegiate coaches often discovered African athletes. According to John Bale and Joe Sang, authors who have studied this increase, "[a] major part of the increase in globali[z]ation of Kenyan athletes involved many Kenyan athletes who were attracted to the United States, not to represent their country but to improve the prestige of the athletic departments of the nation's universities."<sup>18</sup> The shift from competing for the prestige of the country to that of American schools could stem from the educational advantages African students can get from attending American universities. For example, take the story of Kipruto Koima, a Kenyan who recently graduated from Williams College on a full-ride track and field scholarship.<sup>19</sup> Koima first became interested in coming to America for school because of the opportunity to study and become an airplane pilot – an opportunity that would not have been feasible in a Kenyan university.<sup>20</sup> Like Koima, the increase in African athletes in track and field, basketball, and other sports is likely due to at least in part to the opportunity to study in American universities.

Athletes are not the only Africans who have shown an interest in attending American institutions of higher education, as evinced by the increase of African students in American universities across the board. Between 1995 and 2015, the UNESCO Institute for Statistics calculated that the number of African students in American colleges increased by 74 percent.<sup>21</sup> This increase did not slow-down in recent years. During the 2009-2010 school year, there were approximately 37,000 African students pursuing higher education in the United States.<sup>22</sup> Of that number, most come from the sub-Saharan region of Africa, which accounts for nearly 32,000 of the 37,000 students.<sup>23</sup> This is a 3% increase from the previous year, indicating that the number of international African students is steadily rising.<sup>24</sup>

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<sup>16</sup> Faith Whiteley, *RCW: Africa: The Last Frontier of Basketball*, November 11, 2018, at <https://kuathletics.com/news/2018/1/11/rock-chalk-weekly-rcw-africa-the-last-frontier-for-basketball.aspx>.

<sup>17</sup> See generally, John Bale, Joe Sang, *Kenyan Running: Movement Culture, Geography and Global Change* (Frank Cass Publishers, 3rd ed. 2003).

<sup>18</sup> *Id.*

<sup>19</sup> Caitlin Hurley, *Kenya's Running Pipeline to US Schools is Strong*, BOSTON GLOBE, April 12, 2013 at <https://www.bostonglobe.com/sports/2013/04/12/kenya-running-pipeline-schools-strong/5a7UxqkUpPy7YAAMG198gO/story.html>.

<sup>20</sup> *Id.*

<sup>21</sup> Emily Louise Bowman, *At US Colleges, African Students Shape Their Future*, SHARE AMERICA, June 14, 2018, at <https://share.america.gov/at-u-s-colleges-african-students-shape-their-future/>.

<sup>22</sup> *African International Students*, CAMPUS EXPLORER, <https://www.campusexplorer.com/college-advice-tips/E311AB9D/African-International-Students/>.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

Many African students interested in studying in America without playing sports come here because of programs like EducationUSA. EducationUSA is sponsored by the U.S. State Department and is a network of over 425 advising centers in 175 countries that recruits and advises students on the benefits of studying in the United States.<sup>25</sup> EducationUSA's service provides students with a step-by-step path on how to apply to American universities, and how to navigate the confusing enrollment process.<sup>26</sup> Organizations like EducationUSA likely play a large role in the increase in African students in American colleges, which in turn, may have created this market for African college athletes to grow as rapidly as it has in recent years.

#### IV. Collegiate Hurdles – What African collegiate athletes face when applying to American Universities

It is not easy for anyone to reach the professional level in any professional sport. However, the logistical process for professional eligibility is certainly easier than maintaining eligibility to participate in collegiate athletics in the United States. The potential struggles for African athletes in American universities are two-fold, with potential problems coming from traveling to America as an international student generally, and the extra burden concerning the process of gaining eligibility to play sports.

The process for international students begins the same as it would for domestic students: taking standardized tests such as the ACT and SAT and being accepted into a university based on academic merit. The application process includes providing a transcript of their African schooling, filling out the application provided by the school, and writing a personal statement or providing other documentation as the school requires. Just like with American applicants, this process is simply to make a determination of the applicant's potential success as a student. However, this is where the similarities between the applications an American student would send in versus that from an African student end.

Students who do not speak English as their native language must take the Test of English as a Foreign Language (TOEFL) assessment and report their score as part of their application materials. The TOEFL is accepted at over 10,000 colleges and universities in 130 countries, with over 35 million people having taken the test to date.<sup>27</sup> The test is an important part of the application of any African athlete who would not know English as their first language, since the ability of the student to learn at the university or collegiate level would depend substantially on the ability to interact with their professors and other students.

After being accepted to the school, a prospective international student must work with the university or college they wish to attend and have an I-20 form prepared.<sup>28</sup> An I-20 form is meant to show the relevant governmental bodies in the United States that the student has sufficient funds to pay for the schooling.<sup>29</sup> The I-20 process may be easier for student athletes, since oftentimes the colleges and universities will be supplying the bulk of the money through athletic scholarships for students that come to play from outside the United States. Of note, however, a student may not

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<sup>25</sup> EducationUSA, U.S. DEPARTMENT OF STATE, <https://educationusa.state.gov/>.

<sup>26</sup> *Id.*

<sup>27</sup> *About the TOEFL IBT® Test*, EDUCATIONAL TESTING SERVICE, [https://www.ets.org/toefl/ibt/about?WT.ac=toeflhome\\_aboutibt\\_180910](https://www.ets.org/toefl/ibt/about?WT.ac=toeflhome_aboutibt_180910).

<sup>28</sup> *Students and the Form I-20*, U.S. DEPARTMENT OF HOMELAND SECURITY, <https://studyinthestates.dhs.gov/students-and-the-form-i-20>.

<sup>29</sup> *Id.*

enter the United States more than thirty days before the program start date that is listed on the I-20 Form.<sup>30</sup> The late entrance date is especially important for student athletes, since many sports programs have summer and spring practices that would have to be missed due to this 30-day requirement. While the I-20 form is being prepared, the student must pay the I-901 Student and Exchange Visitor Information System (SEVIS) fee before entering the United States.<sup>31</sup> Generally, this roughly \$200 fee could be paid with a credit card, but must be paid with a money order if the student is coming from Ghana, Kenya, Nigeria, or Gambia.<sup>32</sup>

After all of the above steps are completed, the prospective student must apply for an F-1 Visa in order to finish the process and be able to study in America. In order to qualify for a student F-1 Visa, the U.S. Citizenship and Immigration Services requires that the student meet the following criteria:

- [The student] must be enrolled in an "academic" educational program, a language-training program, or a vocational program
- [The student's] school must be approved by the Student and Exchange Visitors Program, Immigration & Customs Enforcement
- [The student] must be enrolled as a full-time student at the institution
- [The student] must be proficient in English or be enrolled in courses leading to English proficiency
- [The student] must have sufficient funds available for self-support during the entire proposed course of study
- [The student] must maintain a residence abroad which you have no intention of giving up.<sup>33</sup>

Most of these requirements are shown to be met with the other forms that are required. In order for a student to obtain an F-1 Visa in most countries, the student must schedule an interview with a U.S. Consulate at the United States Embassy.<sup>34</sup> Once the visa is issued, the student is officially allowed to study in America and play NCAA sports, as long as there are no other outstanding issues with the student that would prevent them from being eligible under NCAA rules. However, the F-1 Visa is not the last hurdle athletes must jump in order to be eligible to play sports at the collegiate level, as evidenced further by the circumstances experienced by the individual athletes and organizations discussed below in Section VII.

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<sup>30</sup> *Know the Rules: International Student Athletes*, U.S. DEPARTMENT OF HOMELAND SECURITY April 4, 2013 at <https://studyinthestates.dhs.gov/2013/04/know-the-rules-international-student-athletes> (citing Nadia Pearl, *Behind the Life of an International Student-athlete*, THE COLLEGIAN AT FRESNO STATE, March 13, 2013 at <http://collegian.csufresno.edu/2013/03/13/behind-the-life-of-an-international-student-athlete/#.W9e9zRNKjBI>).

<sup>31</sup> U.S. DEPARTMENT OF STATE, *supra* note 25.

<sup>32</sup> *Paying the I-901 SEVIS Fee*, U.S. DEPARTMENT OF HOMELAND SECURITY, <https://studyinthestates.dhs.gov/paying-the-i-901-sevis-fee>.

<sup>33</sup> *Students and Employment*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, <https://www.uscis.gov/working-united-states/students-and-exchange-visitors/students-and-employment>.

<sup>34</sup> *F1 Student Visa*, INTERNATIONAL STUDENT, <https://www.internationalstudent.com/immigration/f1-student-visa/>.

V. **Further Trickling** – *Success at the collegiate and professional level has led to a demand for Africans in American high schools*

With African athletes finding success at both the professional and collegiate level, it was inevitable that students would begin coming to America at younger and younger ages in order to compete at lower levels in the hopes of eventually reaching the top. Many eventual professional basketball players took this route to the NBA, including Luol Deng, Joel Embiid, and Gorgui Dieng.

These African athletes make the decision to come to America for high school for a variety of reasons, but most revolve around the opportunity to play sports that are not widely played in their home countries and for the opportunity to attend school in America for the academic benefits. For instance, 19-year old basketball player for the University of Kansas Udoka Azubuike chose to come to the United States for high school to play basketball because of the educational opportunity.<sup>35</sup> "I came to the U.S., first for academics," said the Nigerian turned NCAA athlete.<sup>36</sup> "My mom really stressed the importance of school as well as religion. So, the school I went to in Florida was a religious school and it was a great academic school to prepare me for college. That is why I came to the U.S."<sup>37</sup> While sports are obviously the vehicle that takes these particular athletes to America, oftentimes the real reason stems from the academic opportunity that comes with being an NCAA athlete.

Because of the lack of interest in basketball in the continent, Africa does not have a widespread basketball program. Therefore, many athletes who are interested in the sport or possess raw talent for the game come to America for the opportunity to learn to play from some of the best coaches in the country, and potentially move on to the next level of competition by playing in the NCAA, and possibly the NBA. Long-time basketball announcer Fran Fraschilla had this to say about the current state of organized basketball in Africa:

Africa is the last frontier of basketball in the world because there is not a lot of organized basketball systems throughout Africa . . . Africa is a huge continent and is a relatively poor continent so the basketball structure in the various countries throughout that continent is very limited. There are not a lot of indoor courts and not a lot of coaching.<sup>38</sup>

Without the necessary focus and infrastructure, it would be nearly impossible for African basketball players to reach the professional level without coaches, gyms, and leagues to hone their skills. Azabuike himself went from being a player who "started playing a little bit in Africa, but it was mainly just dribbling the ball... [who] didn't know much about the game of basketball or the rules,"<sup>39</sup> to being one of the top professional prospects in the world. The level of coaches and play at the collegiate level could be considered a factor for why athletes come to America at younger and younger ages to attend school and play sports like basketball.

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<sup>35</sup> Whiteley, *supra*, note 16.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*



## VI. Joel Embiid – A picture of modern-day success

While there is no typical story for any foreign-born athletes coming to America, an example of what a successful transition looks like is evidenced by the experiences of current NBA player Joel Embiid.

Embiid was born and raised in Cameroon.<sup>40</sup> He was originally a volleyball and handball player, and had no experience with basketball until the age of 15.<sup>41</sup> When Embiid was a 6'9" 15-year-old, his volleyball coach gave him a video tape of Hakeem Olajuwon for him to watch. From that moment forward, Embiid decided he would try to become a basketball player. After practicing for only six months, Embiid attended a camp in Yaoundè, Cameroon, sponsored by NBA player and fellow Cameroonian Luc Mbah a Moute.<sup>42</sup> While Embiid did not appear especially talented at basketball after the first year's camp, after the second year Mbah a Moute helped Embiid solidify a boarding school scholarship in America to live and play basketball while attending American high school.<sup>43</sup> When asked about these experiences, Embiid stated "My dad didn't want to let me go . . . My mom too. It was a difficult decision because I had just started playing. Nobody really knew how good I was going to be. I wound up by myself, didn't know English. I had to go through a lot, learning the language and the game. I'm glad I did it the right way."<sup>44</sup>

When Embiid first arrived in America, he was not the most skilled player, but his raw talent was immediately noticed by those in the sport. After his teammates laughed at him because of his sloppy play at the first practice, Embiid's first high school coach told the team, "Laugh all you want," he said, "But in five years, you're going to be asking him for a loan, because he's going to be worth about \$50 million."<sup>45</sup> Embiid attended two different American high schools before being given a scholarship to play at the University of Kansas on a basketball scholarship.

Embiid played one season at Kansas, where he averaged 11.2 points per game, 8.1 rebounds per game, and 2.6 blocks per game.<sup>46</sup> Embiid's performance at Kansas was enough to convince NBA scouts to draft him as the third choice overall in the 2014 NBA draft.<sup>47</sup> After struggling through some injuries, Embiid was voted All-Rookie First Team in 2017, and All-NBA Second Team in 2018.<sup>48</sup> Embiid is widely considered as one of the top young NBA talents in the sport going forward.

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<sup>40</sup> Shaun Powell, *Hoops Journey of Philadelphia 76ers Phenom Joel Embiid a Storybook-like 'Process'*, NATIONAL BASKETBALL ASSOCIATION, October 18, 2017, <http://www.nba.com/article/2017/10/17/joel-embiid-goes-volleyball-star-budding-presence-philadelphia-76ers>.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> Jason King, *Meet Kansas' Joel Embiid, a Cameroon Native Blossoming into a Top NBA Prospect*, BLEACHER REPORT, December 17, 2013, <https://bleacherreport.com/articles/1891203-meet-kansas-joel-embiid-a-cameroon-native-blossoming-into-a-top-nba-prospect>.

<sup>46</sup> *Joel Embiid*, SPORTS REFERENCE, <https://www.sports-reference.com/cbb/players/joel-embiid-1.html>.

<sup>47</sup> Chris Barnewall, *Joel Embiid Has Perfect Response to Being Chosen 76ers' rep at NBA Draft Lottery*, CBS, May 10, 2017, <https://www.cbssports.com/nba/news/joel-embiid-has-perfect-response-to-being-chosen-as-76ers-rep-at-nba-draft-lottery/>.

<sup>48</sup> *Joel Embiid*, ENTERTAINMENT AND SPORTS PROGRAMMING NETWORK, [http://www.espn.com/nba/player/\\_id/3059318/joel-embiid](http://www.espn.com/nba/player/_id/3059318/joel-embiid).

## VII. More Problems – Additional issues facing Africans in American high schools

Unfortunately, not everyone's story can be as successful as that of Joel Embiid. Embiid was a highly talented prospect, had the help of an outstanding mentor in Luc Mbah a Moute, and played for a hall of fame coach at Kansas. Not every African hoping to come to America for high school to be a successful basketball talent and academic will have the same opportunity. Explored below are some possible problems African basketball players specifically may run into when trying to make the leap to America for high school.

### a. Difficulties Transitioning and Eventual NCAA Eligibility

The transition from attending school in Africa to attending in America is difficult, particularly if the student is hoping to play sports in college and professionally. Gorgui Dieng, a native of Senegal, moved to America to attend high school in West Virginia and play for Huntington Prep, a national powerhouse high school basketball team. Dieng had an exceptional high school career, and committed to play NCAA Division I basketball at the University of Louisville. Unfortunately, due to a mix-up with his African transcript, it was questionable whether he would be permitted to play in college at all, or if he would have to face a suspension. According to Dieng's coach at Huntington Prep, the NCAA's confusion stemmed from the details of his African transcript. While Dieng and his coach contended he graduated high school in America, the NCAA's original interpretation of Dieng's transcript was that he had already graduated high school in Senegal.<sup>49</sup> If that were true, Dieng would have been considered ineligible, since he would not have graduated from his American institution on time and he would have been considered a student restarting high school in America instead of simply transferring to a different school.<sup>50</sup> The entire ineligibility debacle stemmed from the difference in credit hours a high schooler in Africa is awarded versus that in America.<sup>51</sup> Dieng was eventually granted eligibility, went on to win the NCAA basketball national championship at Louisville, and was drafted 21st overall in the NBA draft, but all of the hurdles could have been prevented if there were more congruence in American and African education systems, or if the NCAA accounted for these differences when promulgating rules concerning eligibility.

### b. Pop-up High School Problem

When more and more African talents come to America to play basketball at younger ages, more and more schools will be given the opportunity to compete on a higher level if they can tap into the resources. The opportunity to compete at a high level could lead to school creation primarily for the purpose of creating basketball powerhouses. The incentive is there, as Adidas, Nike, and other big name sports brands sponsor teams from across the country because of their talented players.<sup>52</sup> This could end up hurting the students, as evinced by the experiences of Senegalese basketball player Tacko Fall.

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<sup>49</sup> Mike Rutherford, *On Dieng, the NCAA and the State of Cardinal Basketball*, SB NATION, CARD CHRONICLE, October 5, 2010, <https://www.cardchronicle.com/2010/10/5/1733197/on-dieng-the-ncaa-and-the-state-of-cardinal-basketball>.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Sponsors*, AMATEUR ATHLETIC UNION, <http://find.aausports.org/Resource-Articles/ArtMID/1403/ArticleID/666>.

Tacko Fall was born in Senegal in 1995, and attended most of high school in Africa. Because of his immense size and dexterity, he was approached about the possibility of coming to America in his late teens to play basketball. Tacko Fall was misled when he came to America, and was forced to jump from school to school in a foreign country when he arrived. Fall was originally slated to attend a school in Texas, but he was forced to live in a one-bedroom apartment with another African athlete – completely isolated. As Fall put it, "We were alone in an apartment with no means to communicate with anyone and our English was not good at the time. . . We were both homesick and lonely because we did not know what was happening."<sup>53</sup> Thus Fall then decided to transfer. After bouncing from school to school, Fall ended up graduating from Liberty Christian Preparatory School in Florida, where he obtained a 3.6 GPA his final two years of study.<sup>54</sup>

Standing 7'6" tall, Tacko Fall was slated to be a top recruit for the University of Central Florida going into his freshman year. However, he was immediately placed on probation when he arrived on campus, and was prevented from practicing or playing with the basketball team due to issues surrounding his eligibility.<sup>55</sup> The University of Central Florida chose not to accept classes he took at Liberty Christian, including chemistry, physics, and others, because the NCAA was evaluating the school to determine whether credits at Liberty Christian would be approved for the purposes of eligibility in college and had not yet made a decision.<sup>56</sup> Because Fall was originally only given credit for 7.5 of his 16 credits, he was suspended from team practices and games.<sup>57</sup> In 2015, Fall was finally granted eligibility. While there is a happy ending to this story, Tacko Fall's story exemplifies difficulties facing the many Africans coming to America to play high school basketball. Even when one attends a reputable school, complicated NCAA regulations may hurt African students like Tacko Fall. Liberty Christian had been in existence since 1983, and yet the school did not meet NCAA eligibility regulations.<sup>58</sup> Consider how new schools, created to house standout basketball players, would fare when schools that have operated for decades are having trouble circumnavigating NCAA regulations. As the industry grows and basketball becomes more profitable, schools may be created for the purpose of becoming basketball factories. Because of the growth in this industry, there could be harsher consequences for African students like Tacko Fall depending on how this industry grows and how the NCAA reacts.

c. A-Hope – Potential Corruption in the Conduit Organizations

Luc Mbah a Moute was instrumental in securing a school and a place to stay for Embiid, but sometimes organizations that advertise those same services have ulterior motives. African Hoop Opportunities Providing an Education (known as "A-Hope") is a 501(c)(3) non-profit public charity organization started by Mark Adams in 2004 that is based in Bloomington, Indiana.<sup>59</sup> Adams claims that the organization began when a friend of his asked if he had any advice on how

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<sup>53</sup> Jeff Goodman, *UCF Freshman Tacko Fall Prepared to Sue NCAA if Waiver Not Granted*, ABC NEWS, November 10, 2015, <https://abcnews.go.com/Sports/ucf-freshman-tacko-fall-prepared-sue-ncaa-waiver/story?id=35108764>.

<sup>54</sup> *Id.*

<sup>55</sup> Matt Bonesteel, *NCAA Says UCF Recruit Tacko Fall is Finally Eligible to Play*, THE WASHINGTON POST, November 13, 2015, available at [https://www.washingtonpost.com/news/early-lead/wp/2015/11/13/ncaa-says-ucf-recruit-tacko-fall-is-finally-eligible-to-play/?noredirect=on&utm\\_term=.5102127a4f5d](https://www.washingtonpost.com/news/early-lead/wp/2015/11/13/ncaa-says-ucf-recruit-tacko-fall-is-finally-eligible-to-play/?noredirect=on&utm_term=.5102127a4f5d).

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Message About Us, A-HOPE*, <https://www.a-hope.org/about.html>.

to help two Nigerian athletes come to America to attend high school.<sup>60</sup> After researching the situation, and realizing how much good could be done, Adams formed A-Hope.<sup>61</sup> According to its website, A-Hope has helped over 30 basketball athletes secure high school and college education in America.<sup>62</sup> A-Hope has people on the ground in Africa, who help students gain visas to attend school in the United States, and has connections with high schools in America to give students places to attend once their paperwork is completed.<sup>63</sup> On its website, A-Hope also advertises a service where American families can sign up to host an African basketball player in their home, in an effort to give the African athletes the opportunity to have a support system while living in America so far from home.<sup>64</sup>

While A-Hope sounds like an excellent service that could really help many African athletes looking to play basketball for American high schools, A-Hope and organizations like it have come under scrutiny lately due to some alleged bad practices from the organization. Sportswriters across the country have been skeptical of A-Hope. These writers believe A-Hope is not a purely altruistic organization, and that the founder, Mark Adams, may have had ulterior motives when he created the non-profit organization.

Mark Adams lived in Bloomington, Indiana, which is also where A-Hope began its operations.<sup>65</sup> Many of the athletes lived in Adams's home while they attended American high school and played for the Amateur Athletic Union (AAU) basketball team Indiana Elite.<sup>66</sup> Adams's son used to coach Indiana Elite, a team that many of the top African students played for out of season.<sup>67</sup> The AAU is widely regarded as one of the premier fora by which college coaches scout and recruit players they are interested in having on their college teams.<sup>68</sup> Adams's son was not merely an AAU coach, however. He was also an employee of the Indiana University athletic department.<sup>69</sup> Adams's son was promoted to be the Director of Operations/Video Coordinator for the Indiana University basketball team in 2010, but had served as the Director of Basketball Systems starting in 2009.<sup>70</sup> According to an investigation conducted by the Entertainment and Sports Programming Network (ESPN), the Indiana University basketball team signed eight players with ties to A-Hope and the Indiana Elite basketball team.<sup>71</sup> Four of those players were coached by Adams's son, and three of those lived in his house during high school as part of the A-Hope program.<sup>72</sup> These findings by ESPN may lead some to believe that Adams's son's employment at Indiana University may have led to the signing of some of his African players, and that A-Hope has turned into a way for Adams to serve his own interests by using these African students as some sort of currency for his son's career.

The potential corruption does not end with the Indiana University/A-Hope connection. The NCAA has strict rules concerning what types of benefits recruits and students may take from

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<sup>60</sup> Mike Fish, *Basketball Ties that Bind*, ENTERTAINMENT AND SPORTS PROGRAMMING NETWORK, May 26, 2011, <http://www.espn.com/espn/otl/news/story?id=6587668>.

<sup>61</sup> *Id.*

<sup>62</sup> A-HOPE, *supra* note 59.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> A-HOPE, *supra* note 59.

<sup>66</sup> Fish, *supra* note 60.

<sup>67</sup> *Id.*

<sup>68</sup> Jordan Zirm, *What is AAU Basketball?*, STACK, Nov. 29, 2016, <https://www.stack.com/a/what-is-aau-basketball>.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

people who are not their relatives.<sup>73</sup> The same ESPN investigation cited above detailed allegations that, if true, could have potential implications for the African and other international high school athletes who come to America in the hopes of pursuing higher education. After the number one high school basketball recruit in the country, and A-Hope participant, committed to Indiana University for school, ESPN found that A-Hope paid for trips to and from his home country and supplied him with a cell phone, laptop, and an iPod.<sup>74</sup> While these gifts may appear on their face to be a nice gesture to an international student with few American connections, these potential NCAA violations could have impacted the eligibility of the player once he went to college. While not proven, A-Hope's gifts to students could also have been *quid pro quo* rewards for choosing Indiana University, the school where Adams's son was employed. Giving gifts to athletes is not only against NCAA rules, but could also indicate that A-Hope is running an organization that bribes African students for agreeing to attend particular colleges.

When African parents agree to send their children to high school thousands of miles away, they expect the organization funding and connecting their child with the country to have their children's best interests at heart. However, when an organization behaves in a way that could potentially be moving their children in an effort to further the goals of the founder, it no longer centers around the children. A-Hope financial statements suggest that there is a possibility that the organization is not oriented around the success of the African children. The 2007, 2008, and 2009 tax returns for A-Hope show that there were \$200,000 in contributions to the organization.<sup>75</sup> Of that \$200,000, only \$68 were spent on schooling in 2009.<sup>76</sup> Most of the money was spent on plane tickets so most of the A-Hope high schoolers who were spread across the country could attend Indiana Elite practices and tournaments.<sup>77</sup> The catalogued expenses of A-Hope indicate that instead of trying to give students a better life, the organization could be trying to simply build a basketball recruiting powerhouse.

To be fair to A-Hope, many of the program's alumni are extremely happy with the outcome of their experience, but the risk may outweigh the reward when it comes to these types of organizations.<sup>78</sup> Organizations like A-Hope have helped front some of the cost and give students the opportunity to attend American schools, since it is required that international students pay on average between \$3,000 and \$10,000 in public school fees to attend public high schools in the United States.<sup>79</sup> However, with the findings of the ESPN investigation, there is a possibility that the organization is not as altruistic as they appear to be at first glance. Even if the organization is not as humanitarian as it professes to be, if the African students are happy and attending good schools without being implicated in NCAA violations, it may not matter. However, the violations alleged against A-Hope and organizations like it could show that the budding industry could be spiraling out of control.

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<sup>73</sup> See generally, 2017-2018 NCAA DIVISION 1 MANUAL, NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, [http://image.cdnlwnl.xosnetwork.com/attachments1/files/11600/628372.pdf?DB\\_OEM\\_ID=11600](http://image.cdnlwnl.xosnetwork.com/attachments1/files/11600/628372.pdf?DB_OEM_ID=11600).

<sup>74</sup> Fish, *supra* note 60.

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *Foreign Students in Public Schools*, U.S. DEPARTMENT OF STATE - BUREAU OF CONSULAR AFFAIRS, <https://travel.state.gov/content/travel/en/us-visas/study/student-visa/foreign-students-in-public-schools.html> (private parties are allowed to pay the fee to attend public schools in America for international students.).

### VIII. Is the Future Bright? - Where the industry could be heading

While the “market” for African basketball players could be considered a fairly new industry, Europe has been facing these issues for quite some time. Some of the new problems that have been observed in America could begin to take shape in much the same manner as has been observed in Europe. Instead of basketball players simply being exploited for the gains of an organization or an individual, the problems occurring in Europe could be a looking-glass for what may develop in America – athlete trafficking.<sup>80</sup>

Loughborough University in England conducted a study of African athletes that showed that sometimes sports “agents” exploit African soccer players for cash, in an attempt to trick them into believing they will be provided the opportunity to a professional sports contract without any intent on delivering.<sup>81</sup> Loughborough University’s study outlines the typical process in these schemes: A person who claims to be a professional soccer agent identifies a player with a bit of talent in a match or tournament, and then offers to be their agent and help them play professionally in Europe.<sup>82</sup> The “agent” asks for money from the player and their family, claiming they need the money to secure transportation and a try-out or other services to connect the player with a professional club.<sup>83</sup> The families will oftentimes sell possessions, remove kids from schooling, or take loans to help the athlete since the payouts are potentially quite lucrative.<sup>84</sup> The player goes to Europe – usually on a short term tourist visa.<sup>85</sup> Upon arrival, the “agent” will attempt to take documentation and money from the athlete, claiming they will keep it safe for them as they travel and play.<sup>86</sup> Sometimes the “agent” will set up a try-out for the player with a European professional club, but the “agent” will just leave the athlete and take their possessions.<sup>87</sup> The “agents” will sometimes help the athlete attend multiple try-outs, and if the player is offered a contract the agent will oftentimes write the terms of the agreement in favor of themselves and not the player.<sup>88</sup> If players are not offered spots on professional soccer rosters, the “agent” will often leave the athlete in Europe, with little money or resources and little hope to ever return home to Africa.<sup>89</sup>

The sad, unfortunate story of these professional soccer hopefuls has played out to the chagrin of many African athletes. A whole soccer team from Nigeria, promised the opportunity to try out in Spain, was tricked into giving money to an agent and were then dumped penniless in Cape Verde.<sup>90</sup> Some players who thought they were going to try out for Turkish soccer clubs were left in Istanbul.<sup>91</sup> One unfortunate individual showed up for a team trial in England for the

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<sup>80</sup> James Esson, *10 Step Guide to Football Trafficking*, LOUGHBOROUGH NEWS BLOG, <http://blog.lboro.ac.uk/news/politics/10-step-guide-to-football-trafficking/>.

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> Matthew Hall, *The Scramble for Africa’s Athletes*, FOREIGN POLICY, April 20, 2018, <https://foreignpolicy.com/2018/04/20/the-scramble-for-africas-athletes-trafficking-soccer-football-messi-real-madrid-barcelona/>.

<sup>91</sup> *Id.*

Tottenham Hotspurs, only to be told no such try-out had ever existed.<sup>92</sup> These stories continue to occur, in large part due to the difficulty in preventing scams.

After reviewing the circumstances surrounding Tacko Fall's difficulties outlined above, it is not a far leap to see how an illegitimate school or agency could convince a student to come to the United States for the chance to play high school basketball, only to realize that the opportunity is not as lucrative as once promised. As the industry gains more momentum and demand, corruption could easily become more rampant. Pop-up schools could develop, or be fabricated entirely to convince young players and their families to give them money under false pretenses. While it may not be the next step in the industry, what is going on with European soccer teams and fake agencies could become prevalent in American basketball as well.

Many of the factors that contribute to the prevalence of these agent scams in Europe are highly transferable to the basketball industry as well. Similar to the situation outlined above, it may be difficult to hinder the growth of international sports trafficking in the basketball industry going forward for many similar reasons. It has been reported that one reason the scammers are not reported to authorities is the potential backlash to the families of the athletes.<sup>93</sup> If the athletes tell relevant authorities or an international soccer organization who the scammers are, the scammers are geographically close to the athlete's family and could lash out against the family of the reporter. That is, of course, if it is possible to track down these shady characters at all. Athletes are afraid of possible retribution to their families, and therefore many athletes remain quiet and do not report these fake agents.

Even if these scammers are reported, there is the question of whether they are even doing anything that is technically illegal. While it appears on its face that these athletes may be victims of human trafficking, the text of the Palermo Protocols, the premier texts on what constitutes human trafficking, is not clear concerning fraud in athletics. The three Palermo Protocols were adopted by the United Nations in an effort to supplement the 2000 Convention against Transnational Organized Crime.<sup>94</sup> One of the three, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, was ratified by 173 parties, and facilitates a country's ability to work transnationally to stop human trafficking.<sup>95</sup> However, in order for the Palermo Protocol to apply, there must be a showing of human trafficking and not simply a bad business venture on behalf of the athlete.

The text of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children that is relevant in the instance where a deceitful agent misleads an athlete is as follows:

- (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other

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<sup>92</sup> Paul Redfern, *Fake UK Football Agents Kill Dreams of Young Africans*, DAILY NATION, April 25, 2018, <https://www.nation.co.ke/sports/football/Fake-UK-football-agents-kill-dreams-of-young-Africans/1102-4520988-ipjf53z/index.html>.

<sup>93</sup> *Id.*

<sup>94</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – Annex II to the United Nations Convention Against Transnational Organized Crime, art. 3, G.A. Res. 55/25, U.N. Doc. A/RES/55/25 (Jan. 8, 2001), available at [https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg\\_no=xviii-12-a&chapter=18&lang=en/](https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18&lang=en/)

<sup>95</sup> *Id.*

forms of coercion, of abduction, **of fraud, of deception... for the purpose of exploitation**. Exploitation shall include... **forced labour or services...**[;]

(emphasis added).<sup>96</sup> After unpacking the Protocol's language, there is debate over whether there is human trafficking when an agent misleads an athlete. While there is an obvious sense of coercion, fraud, and deception if an agent purposefully tricks an athlete into thinking they are going to Europe for a soccer contract (or to America for basketball, for that matter) that may not rise to the level necessary to constitute human trafficking. Since these athletes are sometimes given try-outs with professional clubs, it can be argued the athletes were given what they bargained for, even if it ended in unfortunate results. Agents cannot guarantee that any athlete make the specific team they believed they were going to try out for, or even guarantee any player make any team at all. While the industry may be highly unethical, that does not necessarily mean the agents are participating in human trafficking. Additionally, there is likely no forced labor or services or slavery in these circumstances either, making the showing for exploitation difficult as well. Certainly the argument that many of these transactions could qualify as human trafficking have merit, as there is the *appearance* of exploitation and fraud, deception, or coercion in many of these situations. However, after reviewing the text, there may be difficulties going forward making athlete trafficking an actionable offense that countries would work together to prevent in the same manner as human trafficking. With very little evidence of action thus far, there is little to go off of besides the text of The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children for how enforcement in athletic trafficking would look.

The above analysis deals with adult athletes who are coerced into taking these deals with agents, not children or underage students. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children has different rules for children, not requiring the same showing as required for adults:

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" **even if this does not involve any of the means set forth in subparagraph (a) of this article;**

(emphasis added).<sup>97</sup> Therefore, it may be easier to define the actions of agents when children are involved as human trafficking since the requirements are less restricted under the Palermo Protocol. The lower bar for child trafficking could be especially useful for countries and organizations wishing to prevent these processes going forward if the increase in African student athletes playing basketball and other sports in America increases.

If a violation of The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children has been found, there is recourse for the trafficked individual. Article 8 of the Protocol explicitly outlines the reparations due to a trafficked individual.<sup>98</sup> Once a trafficking victim has been identified, the nation state where the individual is a national or permanent resident must make accommodations to receive the individual and return them to their home country.<sup>99</sup> If a victim does not have the proper documentation, it is the responsibility of the

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<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – Annex II to the United Nations Convention Against Transnational Organized Crime, art. 8, G.A. Res. 55/25, U.N. Doc. A/RES/55/25 (Jan. 8, 2001), available at [https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg\\_no=xviii-12-a&chapter=18&lang=en/](https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18&lang=en/)

<sup>99</sup> *Id.*



nation state to reissue any and all documents the country requires for reentry.<sup>100</sup> The duty of the country to facilitate the return of the trafficked individual is of particular importance in the area of sports trafficking. As seen in Europe, one of the main tools these scammers use to keep the athletes from reporting the agent's activities is to take all the athlete's documentation for "safe keeping".<sup>101</sup> Unfortunately, The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children does not give the trafficked individual a cause of action against the trafficker for any monetary loss, and also does not create a private cause of action if the state does not follow its obligation under the Palermo Protocol to return the victim. However, the Palermo Protocol's required facilitation of trafficked persons may help many of these stranded athletes return home, where they may be more likely to report these individuals for fraud under relevant domestic law if it exists.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children also requires state parties to "establish comprehensive policies, program[s] and other measures... [t]o prevent and combat trafficking in persons... [and] [t]o protect victims of trafficking in persons, especially women and children, from revictimization."<sup>102</sup> The language of this Palermo Protocol may prompt states to pass domestic laws combating sports trafficking in the future if the industry becomes more prevalent in their country. If a violation of international treaty is found in these cases of sports trafficking, countries are required – per this Palermo Protocol – to do what they can to combat this problem.<sup>103</sup> The vague language does not outline exactly what a country must do to combat the trafficking besides takes measures "such as research, information and mass media campaigns and social and economic initiatives."<sup>104</sup> However, the requirement that the states themselves must pass domestic laws, or cooperate with other state parties or non-governmental organizations to combat this problem could serve to stop sports trafficking in Africa if the states find the practice violates the Palermo Protocol.

Fortunately for the trafficking victims, the United Nations has recently created The United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children to help these victims adjust back to normal life.<sup>105</sup> Established in 2010, the fund directly supports around 3,000 victims through its non-governmental organization (NGO) partners.<sup>106</sup> The fund has \$4.2 million in contributions as of April 2018, and there are currently 34 active NGO grants that fund operations in 30 countries. The United Nations Office on Drugs and Crime details that the monies are used to give the trafficking victims "[a]ccess to justice, legal advice and assistance, including legal representation for victims to obtain legal status, compensation and/or aid packages."<sup>107</sup> If the definition of human trafficking extends to sports trafficking as described above, this fund could help victims get back on their feet and cut down on the practice.

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<sup>100</sup> *Id.*

<sup>101</sup> James Esson, *10 Step Guide to Football Trafficking*, LOUGHBOROUGH NEWS BLOG, <http://blog.lboro.ac.uk/news/politics/10-step-guide-to-football-trafficking/>.

<sup>102</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – Annex II to the United Nations Convention Against Transnational Organized Crime, art. 9, G.A. Res. 55/25, U.N. Doc. A/RES/55/25 (Jan. 8, 2001), available at [https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg\\_no=xviii-12-a&chapter=18&lang=en/](https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18&lang=en/).

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> *United Nations Trust Fund for Victims of Human Trafficking*, UNODC, 2018 <https://www.unodc.org/unodc/human-trafficking-fund.html>.

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

As it pertains to sports trafficking specifically, the Fédération Internationale de Football Association (FIFA) has taken steps to prevent the alleged trafficking that is occurring within its system. In 2001, FIFA promulgated Article 19 to directly address the problems associated with the smuggling of minors across country borders and the scams that associate with this practice.<sup>108</sup> Article 19 enumerates an outright ban on international play for athletes under the age of 18, but does provide for three exceptions:

- a) The player's parents move to the country in which the new club is located for reasons not linked to football;
- b) The transfer takes place within the territory of the European Union (EU) or European Economic Area (EEA) and the player is aged between 16 and 18. In this case, the new club must fulfil the following minimum obligations:
  - i) It shall provide the player with an adequate football education and/or training in line with the highest national standards.
  - ii) It shall guarantee the player an academic and/or school and/or vocational education and/or training, in addition to his football education and/or training, which will allow the player to pursue a career other than football should he cease playing professional football.
  - iii) It shall make all necessary arrangements to ensure that the player is looked after in the best possible way (optimum living standards with a host family or in club accommodation, appointment of a mentor at the club, etc.).
  - iv) It shall, on registration of such a player, provide the relevant association with proof that it is complying with the aforementioned obligations;
- c) The player lives no further than 50km from a national border and the club with which the player wishes to be registered in the neighbouring association is also within 50km of that border. The maximum distance between the player's domicile and the club's headquarters shall be 100km. In such cases, the player must continue to live at home and the two associations concerned must give their explicit consent.<sup>109</sup>

While these rules may have cut down on the scamming of African minors, some are critical of the rules. For instance, American parents, whose children are top-rated underage prospects, are unable to send their children to international football clubs due to FIFA's Article 19 rule.<sup>110</sup> However, due to the immense problem facing many children and their families who are hoodwinked and tricked into giving money and risking their children's safety in foreign countries, these rules seem like a step in the right direction.

While the rules promulgated by FIFA in Article 19 could help prevent corruption in basketball if they were applied, there is unfortunately no international body that regulates basketball at all levels. The NBA and the NCAA do not have international reach beyond eligibility

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<sup>108</sup> REGULATIONS ON THE STATUS AND TRANSFER OF PLAYERS, Fédération Internationale de Football Association, art. 19, available at [https://www.fifa.com/mm/document/affederation/administration/regulations\\_on\\_the\\_status\\_and\\_transfer\\_of\\_players\\_en\\_33410.pdf](https://www.fifa.com/mm/document/affederation/administration/regulations_on_the_status_and_transfer_of_players_en_33410.pdf).

<sup>109</sup> *Id.*

<sup>110</sup> FIFA, *supra* note 109.

requirements, and the potential trafficking of minors across international lines is outside their jurisdiction. Therefore, if the NBA or NCAA attempted to prevent the smuggling of minor or adult athletes, the only people they could really attack are the schools that take the students or the athletes themselves, which would likely do little to help the problem. Whatever the means, it is likely that since basketball has become a global sport, there needs to be some regulatory body to oversee the recruitment of players in order to protect young athletes who will end up in their systems.

## IX. Conclusion

It is extremely difficult for someone to play professional sports. Statistically, only 3.5 percent of high school basketball players play in the NCAA, with only one percent of those playing for Division 1 men's programs.<sup>111</sup> Not surprisingly, only 1.2 percent of those collegiate athletes reach the NBA, and this statistic does not even consider how successful the player was at the professional level.<sup>112</sup> However, athletes continue to try and chase their dreams of athletic success, as the payoff could be highly lucrative. It is no surprise that as more and more African-born athletes succeed at the professional level, highly-talented basketball prospects will be more interested in taking the leap and attempting to play in America. Additionally, other interested parties such as high schools, AAU teams, NCAA programs, and other various organizations will want to help these players because of the payoff they could receive, either monetarily or in other benefits. Due to the increase in the supply and demand for African-born athletes by various organizations, there is a high possibility that corruption could be rampant in this system. It is important to evaluate the concerns that current African-born athletes face in an effort to prevent widespread damage to these students and the institutions involved. Not everyone can be as successful as Hakeem Olajuwon or Joel Embiid, but it is important the institution remains free of corruption so these student athletes are given the chance to work towards their athletic and academic goals.

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<sup>111</sup> *Estimated Probability of Competing in College Athletics*, NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, April 20, 2018, <http://www.ncaa.org/about/resources/research/estimated-probability-competing-college-athletics>.

<sup>112</sup> *Id.*