



March 15, 2023

Kenyan Rugby Union  
RFUEA Ground, Ngong Road  
P.O. Box 48322 Nairobi 00100 Kenya  
Attn: Mr. Oduor Gangla, Chairman of the KRU Board  
info@kru.co.ke

Chairman Gangla:

I write on behalf of the Tel Aviv Heat, our client at the Louis D. Brandeis Center for Human Rights under Law. As you may know, the World Rugby Union ("WRU") is investigating the Heat's discriminatory exclusion from the Mzansi Challenge by the South African Rugby Union ("SARU").<sup>1</sup> Discriminating against competitors based on their nationality or country violates the WRU Bye-Laws.

We write because we understand that a team from your Union, the Simbas, is intending to compete in the Challenge. We trust that you are aware that WRU regulations provide that Unions could be subject to sanction for participating in tournaments that violate WRU Bye-Laws. We, therefore, appeal to your sense of justice to respectfully ask you to use your voice to oppose the discriminatory exclusion of the Heat.

As you are undoubtedly aware, WRU member unions undertake to abide by WRU Bye-laws.<sup>1</sup> When joining WRU, a member union agrees to "Provide a declaration of opposition to any discrimination on the grounds of race, national or social origin, sex, politics, religion or creed" before being accepted as an Associate Member,<sup>2</sup> and again before being accepted as a Full Member.<sup>3</sup>

According to the WRU By-laws, Unions may be sanctioned for Misconduct, including:

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<sup>1</sup> World Rugby Union, Bye-laws, Bye-law 4(a).

<sup>2</sup> World Rugby Union, World Rugby Membership Pathway and Criteria, Art. 1.2.

<sup>3</sup> World Rugby Union, World Rugby Membership Pathway and Criteria, Art. 2.3.

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acts or statements that are, or **conduct that is, discriminatory by reason of** religion, race, sex, sexual orientation, disability, colour or **national or ethnic origin**[.]<sup>4</sup>

Similarly, member unions are bound by the WRU Code of Conduct, which again prohibits national origin discrimination, banning:

[...] anything which is likely to intimidate, offend, insult, humiliate or **discriminate against any other Person on the ground of their** religion, race, sex, sexual orientation, colour or **national or ethnic origin**.<sup>5</sup>

Finally, member unions may not take actions which “adversely affect[]” another WRU member union.<sup>6</sup> Excluding a team from a member union from competition because of its nationality would undoubtedly have a significant negative impact.

As you are also likely aware, a WRU “Match, Series of Matches, tour or tournament” that violates the Bye-Laws is considered unofficial, and the Unions of participating rugby teams may be “liable to sanction.”<sup>7</sup>

These rules implement the principle that international sport be an inclusive, peacebuilding project. Indeed, the International Olympic Committee’s mission is “to unite the entire world in peaceful competition.”<sup>8</sup> Rejecting competitors solely because of their nationality undermines this project. The same rules are reflected in the Kenyan Rugby Union (“KRU”) Constitution, which directs that rugby should be “played, administered, and promoted on a non-racial, non-ethnic, non-political and democratic basis” and that everyone should have the right to participate in the game irrespective of their race, identity, colour, creed, or gender.<sup>9</sup> Indeed, your Constitution directs that:

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<sup>4</sup> World Rugby Union, Regulations, Regulation 18.4(c) (emphasis added).

<sup>5</sup> WRU Code of Conduct, Article 1.12 (emphasis added).

<sup>6</sup> WRU Code of Conduct, Article 1.13.

<sup>7</sup> WRU Regulations, Article 16.2.8.

<sup>8</sup> International Olympic Committee, Statement – War in Ukraine – One Year On, <https://olympics.com/ioc/news/statement-war-in-ukraine-one-year-on>.

<sup>9</sup> KRU Constitution, Preamble.

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The Kenyan Rugby Union shall, in all its activities and functions, forbid any form of discrimination based on race, ethnicity, colour, creed, and gender.<sup>10</sup>

We, therefore, respectfully request that you uphold the anti-discrimination provisions of the Kenyan Rugby Union and the World Rugby Union by denouncing the discriminatory exclusion of the Tel Aviv Heat from this Mzansi Challenge and strongly reaffirming your commitment to the principle of universal, equal competition to SARU.

Thank you for your prompt attention to this matter.

Sincerely,



Arthur Traldi  
*Senior Counsel*

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<sup>10</sup> KRU Constitution, Article 1.2.