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06 March 2024

Dear Lord Scriven

**SAFETY OF RWANDA (ASYLUM AND IMMIGRATION) BILL: HOUSE OF LORDS
REPORT STAGE**

I am writing following the debate in the Lords on day one of Report (Official Report, 04 March 2024, column 1422) regarding the terminology in Article 13 of the Treaty. In summarising that provision I stated that Rwanda “must” fulfil the obligations in Article 13(1). The noble Lord has pointed out that Article 13(1) in fact uses the word “shall” (that is, “shall have regard to information” and “shall take all necessary steps”) and that there is a difference between “must” and “shall”.

Although drafting practice varies for domestic primary and secondary legislation, in treaty drafting “shall” is the established term of art to denote an intention to create binding obligations in the context of an international agreement. It may be contrasted with the use of “will” in the context of non-legally binding instruments such as memorandums of understanding, which is the established term of art regarding the intention to create political commitments. In Article 13(1), “shall” is used in the sense that Rwanda is obliged to have regard to information and obliged to take all necessary steps as set out in that provision. In this context, “shall” and “must” are synonymous.

I am copying this letter to Lord Etherton, Baroness Butler-Sloss, Lord Cashman, Lord Murray of Blidworth, The Lord Bishop of St Edmundsbury and Ipswich, Baroness Hamwee, Lorde Browne of Ladyton, Lord Stirrup, Lord Kerr of Kinlochard, Baroness Coussins, Lord German, Lord Coaker, and Lord Ponsonby of Shulbrede.

I will also place a copy of this letter in the library of the House.

Yours sincerely,

**Lord Sharpe of Epsom
Parliamentary Under Secretary of State**