

GUIDING PRINCIPLES FOR ENGAGING IN COOPERATION ACTIVITIES WITH THE PRIVATE SECTOR

INTRODUCTION

1. IRENA's Statute envisages that the Agency shall “*act in accordance with the purposes and principles of the United Nations to promote peace and international cooperation, and in conformity with policies of the United Nations furthering sustainable development*”.¹ The Sustainable Development Goals (the “SDGs”) adopted by the United Nations member states are particularly relevant in this regard. SDG 17 emphasizes the need to work collaboratively across all the sectors to “[s]trengthen the means of implementation and revitalize the global partnership for sustainable development.”
2. Over the past years, international governmental organizations, including the organizations of the United Nations common system, have increasingly collaborated with the private sector to facilitate achievement of their mandates, goals and objectives. This collaboration allows international organizations to access new knowledge, expertise, financing and broad reach, which may be important resources to advancing their work.
3. The 2030 Agenda for Sustainable Development² provides momentum for a renewed engagement of the private sector. The Agenda recognizes the role of the private sector as follows:

“Private business activity, investment and innovation are major drivers of productivity, inclusive economic growth and job creation. We acknowledge the diversity of the private sector, ranging from micro-enterprises to cooperatives to

¹ Section IV.B.1 of the Statute. Available at:

<https://www.irena.org/-/media/Files/IRENA/Agency/About>

IRENA/Statute/IRENA_FC_Statute_signed_in_Bonn_26_01_2009_incl_declaration_on_further_authentic_versions.ashx?la=en&hash=FAB3B5AE51B8082B04A7BBB5BDE978065EF67D96&hash=FAB3B5AE51B8082B04A7BB5BDE978065EF67D96

² General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, 25 September 2015. A/RES/70/1.

multinationals. We call upon all businesses to apply their creativity and innovation to solving sustainable development challenges. We will foster a dynamic and well-functioning private sector, while protecting labour rights and environmental and health standards in accordance with relevant international standards and agreements and other ongoing initiatives in this regard.”³

4. In a similar vein, IRENA’s Vision and Mission acknowledge that “*international, intergovernmental and non-governmental organisations are natural and indispensable partners to IRENA, as are the many private sector companies already seizing the opportunities offered by renewable energy.*”⁴
5. Building upon these principles, IRENA’s Medium-term Strategy 2018-2022 adopted by the Assembly⁵ (the “MTS”) notes the central role played by the private sector in accelerating the development and deployment of renewable energy and proposes development of a “*transparent set of criteria*” to facilitate IRENA’s collaboration with the private sector.⁶
6. With its global membership and wide reach, IRENA aims to be a locus of partnerships, transcending traditional approaches and modes of cooperation. These partnerships are key to translating IRENA’s expertise, knowledge and tools into a sustained impact on the development and deployment of renewable energy. Consistent with the MTS, IRENA is pursuing a proactive strategic approach to work with public and private partners, networks and constituencies in furtherance of its mission and goals. Partnering with a broad range of constituencies providing diverse expertise, advice and support has become one of IRENA’s hallmarks in many areas of its work.⁷
7. The private sector has traditionally been a strategic partner and has played an important role in IRENA’s work. IRENA has established several successful collaborative platforms and frameworks involving participation by the private sector. The Coalition for Action,⁸ the Global Geothermal Alliance,⁹ and the Small Islands Development States (“SIDS”) Lighthouses Initiative¹⁰ have proven to be effective vehicles for dialogue, cooperation and coordinated action to accelerate the global renewable energy transformation. Such

³ Ibid, paragraph 67.

⁴ See <https://www.irena.org/statutevisionmission>

⁵ A/8/11, available at <https://www.irena.org/officialdocuments?keywords=A/8/11>

⁶ Ibid, paragraph 18.

⁷ Ibid, paragraph 17.

⁸ The Coalition for Action is a key international network to discuss industry trends, determine actions, share knowledge and exchange best practices with the vision to drive the global energy transition in line with the Sustainable Development Goals. Available at <https://coalition.irena.org/>

⁹ Launched at COP21, the Global Geothermal Alliance serves as a platform for dialogue, cooperation and coordinated action between the geothermal industry, policy-makers and stakeholders worldwide to support increased use of geothermal energy. Available at <http://www.globalgeothermalalliance.org/>

¹⁰ The SIDS Lighthouses initiative is a framework for action to support SIDS in the transformation from a predominantly fossil-based to a renewables-based and resilient energy system. The initiative addresses all elements of the energy transition, from policy and market frameworks to technology options and capacity building. Further information is available at <https://islands.irena.org/>

collaborative frameworks have also supported peer-to-peer collaboration and exchange of knowledge in support of IRENA's mission and goals. Exchange of information and data generated through the IRENA Renewable Costing Alliance¹¹ with participation from relevant business industries has also played a vital role in supporting the business case for renewables.

8. IRENA's MTS acknowledges that the private sector's central role in accelerating the development and deployment of renewable energy is particularly relevant in the context of mobilizing investments for the financing of renewable energy projects.¹² IRENA facilitates renewable energy project development and financing through a number of integrated and synergistic online platforms and project facilitation activities that aim to improve project quality, market visibility, and access to finance. For example, through the IRENA/Abu Dhabi Fund for Development Project Facility,¹³ USD 350 million were allocated in concessional loans, helping to mobilize a further USD 567 million in co-financing from other sources including governments, the private sector and other development funds.¹⁴ More recently, to scale up climate action and translate ambitious national climate targets into concrete investments on the ground, IRENA and partner organizations launched in September 2019 the Climate Investment Platform,¹⁵ an inclusive partnership welcoming all stakeholders, from governments and international organizations to the private sector.
9. To strengthen IRENA's collaboration with the private sector in areas relevant to IRENA's mandate and mission and consistent with the Members' strategic guidance provided in the MTS, the Director-General has adopted these Guiding Principles for Engagement in Cooperation Activities with the Private Sector (the "Guidelines"). The Guidelines will facilitate formulation and implementation of cooperation activities with the private sector to support the achievement of IRENA's goals while maintaining a principled approach that manages risks and ensures IRENA's impartiality, integrity and independence in full compliance with the Statute, decisions of the governing bodies, and the applicable regulations, rules, and policies.
10. The Guidelines set out the guiding principles that IRENA's Secretariat will comply with for the conclusion of cooperation agreements with the eligible private sector entities for the conduct of mutually beneficial activities in areas relevant to IRENA's activities and in line with IRENA's goals and objectives. A description of the guiding principles was provided in the Progress Report of the Director-General on the Implementation of the Work Programme and Budget for 2020-2021 (the "Progress Report"). The Progress Report was forwarded to IRENA's Members in June 2020 and was subsequently discussed with the Members on 2 July 2020.

¹¹ Available at <https://www.irena.org/costs/IRENA-Renewable-Costing-Alliance>

¹² A/8/11, paragraph 18.

¹³ See <https://www.irena.org/ADFD>

¹⁴ See <https://www.irena.org/ADFD/Selected-Projects>

¹⁵ A global initiative by IRENA, the United Nations Development Programme, Sustainable Energy for All, and the Green Climate Fund. Available at <https://www.irena.org/irenaforcip>

11. The Guidelines duly integrate the guidance and safeguards set out in Assembly Decision A/2/DC/5¹⁶ On Secondment of Staff to the International Renewable Energy Agency concerning conclusion of loan arrangements with the private sector entities.
12. The cooperation activities that would fall within the scope of the Guidelines are intended to complement the engagement modalities set out in the existing multi-stakeholder collaborative frameworks and processes involving participation from the private sector and not to replace them. In distinction from such existing collaborative platforms and processes described above, the cooperation activities falling within the scope of these Guidelines will be carried out for the purpose of achieving specific objectives, rather than generally seeking to establish consultative processes and dialogues for cooperation and coordination of action in the renewables area.
13. The Guidelines consist of the following:
 - I. Purpose and Scope
 - II. Overarching Engagement Principles
 - III. Use of IRENA's name and emblem
 - IV. Submission and Review of Proposals
 - V. Continued Monitoring and Review of the Cooperation
 - VI. Effectiveness, Review and Implementation

I. PURPOSE AND SCOPE

1. These Guidelines provide a set of transparent criteria for IRENA's engagement in cooperation activities with the private sector through a principled approach that manages risks and ensures IRENA's impartiality, integrity and independence in full compliance with IRENA's Statute, decisions of the governing bodies, and the applicable regulations, rules, and policies.
2. The Guidelines shall be applied and interpreted in accordance with IRENA's Statute, relevant decisions of the governing bodies, and any other applicable regulations, rules and policies, with particular due regard to IRENA's Financial Regulations and Financial Procedures, the Policy on Ethics and Conflicts of Interests¹⁷ and the Code of Conduct.¹⁸ Nothing in the Guidelines is intended, or will be interpreted as intended to modify, amend and/or supersede any such applicable decisions, regulations, rules, and policies.

¹⁶ A/2/DC/5, available at <https://www.irena.org/officialdocuments?keywords=A/2/DC/5>

¹⁷ A/2/13, available at:

<https://www.irena.org/officialdocuments?session=b381ee6941274b4296caecbbd9e5a743&page=2>

¹⁸ A/3/15, available at:

<https://www.irena.org/officialdocuments?session=b10aa62867264e8191a5e18071534ce9&page=2>

3. For the purposes of these Guidelines, “private sector” means:
 - (a) For-profit and commercial enterprises of any size;
 - (b) Corporate foundations;¹⁹
 - (c) Business associations, coalitions and alliances (including e.g. chambers of commerce, employers’ associations, cooperatives, industry and cross-industry initiatives where the participants are for-profit enterprises). These organizations will be generally assessed on their own merits, rather than on the merits of each of its members;²⁰ and,
 - (d) State-owned enterprises.
4. These Guidelines will apply to the cooperation activities between IRENA and one or more private sector entities whereby participants agree to work together to coordinate their respective responsibilities, benefits and resources to achieve a common purpose or goal, or to undertake a specific task.
5. The resources allocated by the concerned private sector entity for the achievement of common cooperation goals or objectives may entail financial and/or in-kind contributions. Contributions shall be administered by IRENA in full compliance with the applicable rules and regulations, with due regard to the Financial Regulations and the Financial Procedures.
6. The following activities will not fall within the scope of these Guidelines:
 - (a) Activities carried out in the context of multi-stakeholder collaborative platforms, networks and/or initiatives that generally seek to establish consultative processes and dialogues for cooperation and coordination of action and/or to foster enabling environments for the development and deployment of renewables. Such collaborative frameworks include representation from a vast array of constituents and not only from the private sector.²¹ Participation in such platforms shall be in accordance with their respective charter or governance structure developed with the guidance of Members and other participating stakeholders, where appropriate;
 - (b) Activities carried out in relation to the existing operational and governance arrangements;²²

¹⁹ Corporate foundations are independent grant-awarding organizations that have close ties to the relevant corporation providing funds.

²⁰ For example, IRENA may not exclude working with a chamber of commerce because its membership includes an entity that may meet the exclusionary criteria set out in these Guidelines. However, if the chamber or association itself is engaged in excluded activities (such as, for instance, illicit activities) IRENA will not engage with it.

²¹ All the collaborative frameworks and processes referred to in the Introduction above would fall within the scope of this subsection, including among others the Coalition for Action, the Climate Investment Platform, the Global Geothermal Alliance, the SIDS Lighthouse Initiative, etc.

²² Examples would include the Climate Investment Platform and IRENA Abu Dhabi Development Fund Project Facility.

- (c) Procurement activities for acquisition of goods and/or services, which shall be carried out in accordance with the applicable procurement rules and regulations;
 - (d) Exchange of information or knowledge relevant to IRENA's implementation of the work programme, provided that it is not carried out in the context of a joint project or task that would fall within the scope of section 4 above;²³ and,
 - (e) Any other activities that would not fall within the scope of section 4 above.
7. IRENA may engage in cooperation activities with the private sector in all the areas relevant to its mandate and functions.

II. OVERARCHING ENGAGEMENT PRINCIPLES

8. Cooperation activities with the private sector will be without any prejudice to IRENA's integrity, independence and impartiality. Cooperation activities will advance the aims, activities and the work programme of IRENA, will refrain from providing any unfair advantages to particular private sector entities, and will only be with adequate and relevant partners that do not expose IRENA to any potential political, reputational, conflict of interest or other risks.
9. IRENA will engage with the private entities that meet the eligibility criteria set out in these Guidelines.
10. Prior to accepting a cooperation proposal IRENA will assess the following:
- (a) The suitability of the objectives of the proposed engagement in relation to the overarching goal to advance and support IRENA's mission, goals and work programme;
 - (b) The credibility and suitability of the entity submitting the proposal, including in relation to its ability to carry out the intended activities; and,
 - (c) The impact, if any, that engagement in the proposed activities may have on IRENA's integrity, independence and impartiality taking also into account the assessment of risks identified following review of the cooperation in accordance with the procedures set out in these Guidelines.
11. In assessing a cooperation proposal, IRENA will consider the guiding principles and the eligibility and exclusionary criteria set out below. The principles and the criteria below are not of an exhaustive nature and do not need to be met in their entirety for IRENA to accept or to reject a cooperation proposal. IRENA may require compliance with additional criteria

²³ This would include data sharing agreements concluded between IRENA and the private sector entities and peer-to-peer review of publications, papers and/or studies, provided that any such activities are not carried out in the context of a joint project or task that falls within the scope of section 4 above.

relevant to the nature and scope of the cooperation activities, in addition to the general principles and the eligibility and exclusionary criteria set out below.

Guiding Principles

12. IRENA's cooperation with the private sector shall be principle-based. The following principles shall apply:

(a) *Non-exclusivity and no unfair advantage*

Every entity that meets the established eligibility criteria may submit a cooperation proposal to IRENA in accordance with Chapter IV of these Guidelines. However, engagement of a particular private sector entity shall not mean or imply exclusivity in the collaboration, or that IRENA endorses or has a preference for a particular partner or its activities, products, services, views or opinions, as applicable.

(b) *Advance IRENA's goals*

The objective of the cooperation with a private sector entity will be articulated in clear terms and will advance the aims, activities and the work programme of IRENA, as laid out in the Statute and other applicable governing documents and decisions of the Assembly. The objective of the cooperation along with the added value such cooperation will bring to advancing IRENA's strategic priorities will be clearly defined.

(c) *Cost Efficiency*

In cooperating with private sector entities, IRENA will assess and seek to minimize the administrative and financial burden that any such cooperation may impose upon IRENA and its resources.

(d) *Cooperation with adequate and relevant partners*

IRENA will cooperate with private entities that share its values as set out in the applicable regulations, rules and policies, and that do not expose IRENA to any political, reputational, conflict of interest or other risks, taking into account the eligibility and the exclusionary criteria set out below. Conflicts of interest will be assessed taking into account the requirements and the procedures set forth in the Policy on Ethics and Conflicts of Interests²⁴ and the Code of Conduct.²⁵

(e) *Cooperation shall be subject to the conclusion of a formal agreement*

A formal agreement between IRENA and the engaged private entity (ies), setting out the roles and responsibilities of IRENA's Secretariat and the entity (ies) concerned shall be entered into prior to commencement of any activities. The agreement shall comply with any applicable requirements set out in IRENA's relevant regulations, rules and policies and the criteria set out in section 24 below.

²⁴ See footnote 17.

²⁵ See footnote 18.

The cooperation agreement will include clear and efficient accountability procedures. Where applicable and to the extent possible, the agreement will include relevant monitoring and evaluation procedures by IRENA's Office/Division responsible for managing and overseeing the relationship with the engaged entity.

(f) *No commercial relationship shall be established*

Engagement of a private sector entity shall not establish a commercial relationship between IRENA and the entity concerned. Nothing in the cooperation agreement will be deemed to establish either party as the agent of the other party or create a joint venture between the parties. Neither party shall have the power to bind the other party, to contract in the name of the other party, or to create a liability against the other party in any manner whatsoever.

(g) *Confidentiality and protection of proprietary rights*

Confidential and/or proprietary information or material pertaining to IRENA or its activities, where such information has been acquired as a result of a cooperation concluded in accordance with these Guidelines, will not be used by the concerned private sector entity or any of its affiliates for private or commercial gain. The cooperation agreement will include appropriate safeguards to protect the confidentiality of IRENA's information and activities and IRENA's intellectual property rights.

(h) *Transparency*

Cooperation with the private sector shall be transparent. Information on the nature and scope of the collaboration between IRENA and the relevant private sector entity will be publicly available in IRENA's website and will be recorded in the Secretariat's financial statements in accordance with IRENA's Financial Regulations and Financial Procedures, and any other applicable rules, regulations and policies. As a rule, the information that will be made publicly available should include at a minimum disclosure of the name of the engaged private sector entity, a comprehensive description of the cooperation activities and, where applicable, the type and/or amount of the contribution(s).

Eligibility Criteria

13. The following eligibility criteria will apply:

- (a) Demonstrated support for IRENA's mission, goals and objectives as set out in IRENA's Statute²⁶ and other decisions of the governing bodies, and the applicable regulations, rules, and policies;
- (b) Assessed ability to carry out the cooperation under consideration in accordance with the criteria and the review process set out in these Guidelines;

²⁶ Article IV. B. 1 of the Statute stipulates that in the performance of its activities, the Agency shall “*act in accordance with the purposes and principles of the United Nations to promote peace and international cooperation, and in conformity with policies of the United Nations furthering sustainable development.*”

- (c) Demonstrated support of internationally recognized human rights and environmental and social principles. While not directly applicable to IRENA, IRENA will take into account the principles set out in this regard in the United Nations Global Compact²⁷ and the United Nations Guiding Principles on Business and Human Rights.²⁸ Being a signatory in good standing of the United Nations Global Compact will constitute a requirement for the purpose of the eligibility criteria set out under these Guidelines. A private sector entity that is not a signatory of the United Nations Global Compact will be required to confirm in writing its commitment to the principles set out thereunder;
- (d) Evidence of past and active cooperation and initiatives with intergovernmental, national, subnational, industry or sectoral, non-governmental and other related organizations in support of renewable energy, climate, environmental, sustainable development and/or social causes;
- (e) Demonstrated support for the SDGs;
- (f) Established reporting on corporate environmental and social responsibility performance; and,
- (g) A strong relationship between the proposed cooperation and the business purpose of the entity concerned.

Exclusionary criteria

14. IRENA will not cooperate with any entity whose public image in IRENA’s sole estimation is compromised by past or present activity or advocacy in any one of the non-exhaustive categories below, or which is engaged in any other activities that may be deemed, at any given time, to reflect negatively on IRENA:
- (a) Failure to demonstrate support for the SDGs or the internationally recognized human rights and social and environmental standards;
 - (b) Illicit behaviour, including organized crime, trafficking, corruption, or terrorism;
 - (c) Engagement in activities that may adversely impact or create a perception of such impact on IRENA’s integrity, impartiality, independence and credibility, or that may bring IRENA’s image into disrepute;

²⁷ The United Nations Global Compact is the world’s largest corporate sustainability initiative calling upon the companies to align strategies and operations with universal principles on human rights, labour, environment and anti-corruption, and take actions that advance societal goals. The United Nations Global Compact principles are available at <https://www.unglobalcompact.org/what-is-gc/mission/principles>.

²⁸ The United Nations Guiding Principles on Business and Human Rights have been unanimously endorsed by the United Nations Human Rights Council and serve as the baseline reference point for expected business conduct. The United Nations Guiding Principles on Business and Human Rights are available at https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

- (d) Engagement in activities that may give rise to organizational and/or personal conflicts of interest involving IRENA's personnel;
- (e) Placement in any sanctions list by the United Nations, or failure to comply with the sanctions imposed by the United Nations;
- (f) Suspension or removal from IRENA's or the United Nations' list of approved vendors; and,
- (g) Failure to accept IRENA's legal requirements for the conclusion of agreements as set out in these Guidelines and any applicable regulations, rules and policies.

15. Fulfilment of any of the exclusionary criteria listed above will apply to an entity and, to the extent deemed reasonable and appropriate by IRENA, to a person or entity closely associated with the screened entity (e.g. parent company, subsidiary, supplier, proprietor, senior employee, prominent member, donor).

III. USE OF IRENA'S NAME AND EMBLEM

- 16. The use of IRENA's name, acronym and emblem shall be limited to official purposes.
- 17. The use of IRENA's name, acronym and logo by a private sector entity for commercial purposes will be prohibited.²⁹ Exceptionally, IRENA may authorize use of IRENA's name, acronym and emblem for non-commercial purposes when it considers that such use would be necessary to advance the objectives of the collaboration, or to show support for the goals and activities of IRENA.
- 18. The use of IRENA's name and emblem must be expressly approved in advance in writing and upon such terms and conditions as may be specified by IRENA. The modification of IRENA's name and emblem shall not be allowed.
- 19. If necessary, IRENA may provide the private sector entity with a written acknowledgment recognizing its contribution to or collaboration with IRENA.

²⁹ IRENA will use the terms "commercial use" and "use for commercial purposes" as interpreted and defined by the United Nations. See for instance, Section IV of the "Guidelines on a principle-based approach to the Cooperation between the United Nations and the business sector", available at https://d306pr3pise04h.cloudfront.net/docs/issues_doc%2Fun_business_partnerships%2Fguidelines_principle_base_d_approach_between_un_business_sector.pdf. Specifically, consistent with the United Nations' approach, "commercial use" or "use for commercial purposes" should be distinguished from "use by a commercial entity" or use by a "private sector entity". The former term implies use in connection with or for furtherance of a profit-making enterprise. The latter term would allow the use of IRENA's name, acronym and logo as long as the principal purpose of such use is to show support for the purposes and activities of IRENA, and the generation of profit by the commercial entity is only incidental.

IV. SUBMISSION AND REVIEW OF PROPOSALS

20. IRENA will publish a general notice in its website informing the public at large that it will accept cooperation proposals from interested eligible private sector entities. All such proposals will be assessed in accordance with the review process and the eligibility criteria set out in these Guidelines, which will also be published in IRENA's website.
21. Private sector entities interested in cooperating with IRENA may submit a proposal to this effect to the Office of the Director-General ("ODG") at odg@irena.org. In the proposal, the entity concerned should also:
 - (a) Indicate the scope, objectives, duration and the anticipated impact of the proposed cooperation and, if applicable, the financial value of its contribution;
 - (b) Address, to the extent possible and with supporting documentation, its capacity to enter into and implement the proposed collaboration. The supporting documentation will include proof of legal personality, sound financial management and the available technical and human resources capacities to carry out the proposal;
 - (c) Address, to the extent possible and with supporting documentation, whether and how it meets the eligibility criteria set out in section 13 of these Guidelines, indicating any relevant present and/or past activity or advocacy with regard to such criteria;
 - (d) Confirm by a formal statement that it does not meet any of the exclusionary criteria set out in section 14 above;
 - (e) Include a statement of its intention to fully comply with the terms of a cooperation agreement as outlined in these Guidelines and other terms and conditions as may be reasonably imposed by IRENA in view of the scope and nature of the intended cooperation; and,
 - (f) Indicate its willingness to provide any information that may be required by IRENA to evaluate the proposed cooperation and comply with IRENA's review process set out in these Guidelines.
22. The Director-General will assign an IRENA Division to conduct a preliminary review of the proposal and to act as a focal point for all matters related to the proposal concerned (the "Designated Division"). The Designated Division will collect the information required under these Guidelines and will, as appropriate, obtain feedback from other relevant Divisions whose areas of activity may be related to or impacted by the submitted cooperation proposal. Following consideration of such information, the Designated Division will make a recommendation for the Director-General's final decision on the acceptance or not of the cooperation proposal.

23. In compiling the information required for the consideration of the engagement proposal, the Designated Division will take into account the information and documentation provided by the prospective collaborator. The Designated Division will also make reasonable efforts to obtain relevant general information publicly available through the media, the internet or any other relevant and available sources, including information provided by recognized non-governmental organizations monitoring social and environmental performance of potential partners.
24. The Designated Division will duly notify the concerned entity of the outcome of IRENA's review. In the event of a positive outcome, the Designated Division will inform the entity concerned that commencement of the joint activities will be subject to conclusion of a formal agreement to IRENA's satisfaction that clearly sets out, among others:
- (a) The scope, objectives and duration of the engagement;
 - (b) The roles and responsibilities of IRENA and the engaged entity (ies), including operational targets and activities;
 - (c) The treatment of any confidential information exchanged between IRENA and the engaged entity (ies);
 - (d) Protection of IRENA's intellectual property rights;
 - (e) Conditions relating to the use of IRENA's name and logo;
 - (f) The reporting, monitoring and evaluation requirements for the engagement, which will provide, inter alia, that the cooperation will be subject exclusively to the internal and external auditing procedures set out in IRENA's Financial Regulations and Financial Procedures, and any other applicable regulations, rules and policies;
 - (g) IRENA's privileges and immunities;
 - (h) IRENA's indemnification by the entity (ies) for its (their) liability towards third parties;
 - (i) IRENA's standard provision for dispute resolution, subjecting any dispute arising from the cooperation to arbitration in accordance with the United Nations Commission on International Trade Law arbitration rules then obtaining;
 - (j) The engaged entity (ies) commitment to refrain from engaging in any exclusionary activities as described in section 14 above during their collaboration with IRENA. The entity (ies) will acknowledge that by entering into an agreement with prior knowledge of non-eligibility status, or engaging in an exclusionary activity during the cooperation, they may be liable for any damage incurred by IRENA from such engagement. Immediate termination of the cooperation agreement by IRENA in the foregoing circumstances will give no cause to the entity (ies) for claiming compensation; and,

(k) Any other terms and conditions IRENA deems appropriate in view of the nature and scope of the partnership.

25. Without prejudice to the generality of the requirements set out in section 24 above, cooperation agreements involving loan of private sector personnel shall comply with the safeguards set out in Assembly's Decision A/2/DC/5³⁰ On Secondment of Staff to the International Renewable Energy Agency concerning conclusion of loan arrangements with private sector entities. The cooperation agreement shall explicitly specify that, while performing functions for IRENA, the loaned staff would be subject to the Director-General's authority and to IRENA's rules and regulations, including to the requirements set forth in IRENA's Code of Conduct.³¹ IRENA will ensure that an individual loaned by a private sector entity would not work in an area that could create a conflict of interest between IRENA and the entity concerned.
26. IRENA will manage the number and the complexity of each cooperation agreement in accordance with the capacity, time and resources available to IRENA and to the concerned entity. IRENA may make acceptance of cooperation conditional on the concerned entity having sufficient resources to administer and manage such engagement.
27. IRENA may propose modifications to a cooperation proposal. In the event of submission of similar engagement proposals by separate entities, IRENA may consider concluding a cooperation engagement agreement with all the entities concerned subject to their respective approval.
28. The approval process set out above will also apply in respect of engagements involving participation by more than one private entity.

V. CONTINUED MONITORING, REVIEW AND TERMINATION

29. The proposal review process set out in Chapter IV above may be repeated at any time during the implementation of an existing cooperation agreement if objections, doubts or concerns arise regarding the collaborator's practices, legal status or reputation and their impact on the objectives of the engagement, or on IRENA's reputation and interests. The Designated Division responsible for overseeing the activities conducted in collaboration with the private sector entity will bring any such concerns to the attention of the Director-General and will make a recommendation for the Director-General's consideration on the appropriate course of action. The recommendation may include proposed termination of the cooperation agreement.

³⁰ See footnote 16 to section 10 in the Introduction.

³¹ See footnote 18.

VI. EFFECTIVENESS, REVIEW AND IMPLEMENTATION

30. These Guidelines have become effective upon their approval by the Director-General on 27 July 2020. The Guidelines will apply to all the cooperation activities initiated after their effectiveness date.
31. The Guidelines will be reviewed periodically and will be amended as appropriate to address IRENA's evolving needs in engaging with the private sector and to reflect any strategic guidance that may be provided by IRENA's governing bodies in this regard. The most up-to-date version of the Guidelines will be made available on IRENA's website.
32. The Director-General will issue Standard Operating Procedures for internal use to facilitate implementation of these Guidelines by the Secretariat.