Operational Design Phase

Discussion of Updates and Next Steps.

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Webinar
Wednesday 13 January 2021, 20:00 UTC

ICANN

Agenda

1 Changes based on Community Input

2 Overview of updated ODP Concept Paper

3 ODP Conduct and Community Consultation

4 Next Steps in Finalizing ODP

5 Questions and Answers

Context

The Operational Design Phase's objective is to perform an **assessment of GNSO Council recommendations** in order to provide the Board with relevant operational information **to facilitate the Board's determination**, in accordance with the Bylaws, on the impact of the operational impact of the implementation of the recommendations, **including whether the recommendations are in the best interests of the ICANN community or ICANN** (Annex A, Section 9 (a)).

ICANN org already prepares Board materials and gathers relevant information to inform Board decisions. The ODP formalizes this process that is also described in the Consensus Policy Implementation Framework (CPIF). The **ODP** therefore **adds transparency, including community consultation, to an existing process**, helping the Board fulfil its Bylaws-mandated obligations.

Changes Based On Community Input

Agenda Item 1

Community Input Received

- ⦿ **ICANN69 sessions that featured ODP discussion:**
  - ○ GNSO Council Working Session, 6 October 2020, [link](#).
  - ○ Board and GNSO Council, 13 October, [link](#).
  - ○ RrSG Membership Meeting, 13 October, [link](#).
  - ○ Board and NCSG, 15 October, [link](#).
  - ○ NCSG Policy Committee, 15 October, [link](#).
  - ○ BC Open Meeting, 15 October, [link](#).
  - ○ GAC Preparation for Meeting with the Board, 15 October, [link](#).
  - ○ GNSO Council Session, 21 October, [link](#).

- ⦿ **Written community feedback received** (see also: [ODP wiki page](#)):
  - ○ i2Coalition (20 November), [link](#).
  - ○ RySG (1 December), [link](#).
  - ○ GNSO Council (4 December), [link](#).
  - ○ ISPCP (11 December), [link](#).
  - ○ IPC (17 December), [link](#).

ODP_v1 vs Comment vs ODP_v2

ODP Paper v1	Community Feedback	ODP Paper v2
Community Design Feedback Group (DFG) formed to provide input into ODP assessment.	• Questions about composition, charter. • Overly engineered. • Little or no support for DFG	• GNSO Council appoints Liaison to ODP. • Community consultation via existing mechanisms. • Public comment optional. • No more DFG. • Consultation on functionality after two ODPs conclude.
Board initiates ODP via resolution.	n/a	Board initiates ODP in writing, e.g., resolution.
	Concern about 'second bite' at policy discussions during ODP.	More clarity provided on: • ODP does not affect substance or intent of recs. • Questions on substance/intent put to GNSO Council. • Only Council can address policy issues. • ODP purpose is to provide Board with needed info, so it can decide if a rec is in best interest of ICANN community and ICANN.
ODP initiated after GNSO Council send Recommendation Report to the Board.	Timing concerns.	• Board's reception of Rec Report remains 'natural trigger point' for ODP. • ODP aims to finalize work by second meeting after the Board receives Rec Report – if not, Org will provide update and timeline.
Based on consultations, ODP can overlap with PDP WG.	Support from the community.	• Continue to have two possible start points for ODP. • Rely on CPIF language for ICANN org to engage with PDP on "implementation-related matters" during PDP WG phase.

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Overview of updated ODP Concept Paper

Agenda Item 2

History of the Operational Design Phase (ODP) Concept Paper

- ⊙ Initial draft of the ODP Concept Paper was shared with the SO/AC leadership and posted in a blog in October 2020 – see wiki.

- ⊙ ODP Concept Paper was discussed during several ICANN69 sessions – ICANN org took note of feedback.

- ⊙ Written community feedback received throughout November and December 2020.

- ⊙ Updated version shared with community leaders on 17 December 2020 – see wiki.

> The following section describes the ODP as modified
> in the updated Concept Paper, shared on 17 December 2020.

ODP - Overview

⊙ As currently defined, the ODP will:

- ○ Be **launched by the ICANN Board**, instructing ICANN org to provide an assessment of GNSO Council recommendations, to help inform the Board's deliberation on whether a set of recommendations is in the best interests of the ICANN community or ICANN;

- ○ See **ICANN org conduct the development of information**, focusing on operational and other relevant aspects of implementing, which will inform the Board's deliberations;

- ○ Allow ICANN org to **consult with** *ad hoc* community groups, such as **a technical study group**, to assist with org's assessment and **increase subject-matter expertise**;

- ○ Rely on **existing community processes for consultation and feedback**, providing the ICANN community with the opportunity to give feedback on the facts and figures that underpin ICANN org's assessment;

- ○ Provide a mechanism to test ideas and assumptions regarding the operational impact of a set of recommendations **without amending or changing their substance or intent**.

ODP - Overview

- As currently defined, the ODP will **not**:

  - Impose restrictions on or limit the work of PDP WGs;
  - Change the GNSO Council's role as manager of the PDP;
  - Present an opportunity to reopen or revisit policy questions settled during a PDP or allow for any changes to the substance or intent of policy recommendations that are before the Board;
  - Alter the roles and responsibilities of ICANN org and the Implementation Review Team that is formed after the Board has adopted the policy recommendations.

ODP – Continuous Improvement

After the first two ODPs have been completed, ICANN org will consult with the Board, the relevant ICANN org ODP Teams and GNSO Liaisons, the GNSO Council, and the wider ICANN community to **assess which improvements - if any - may need to be made to improve the efficiency and effectiveness of the ODP**.

This consultation will be part of **continuous improvement efforts** regarding the ODP's processes to ensure it continues to fulfil the needs of the Board, the community and ICANN org.

ODP Conduct and Community Consultation

Agenda Item 3

Initiation after GNSO Council has approved recommendations

- ⊙ ODP typically triggered when **GNSO Council has transmitted the adopted the recommendations to the Board**, providing certainty about the recommendations' substance and intent.

- ⊙ The Board will initiate an ODP in instances where it believes that the **complexity of recommendations warrants an assessment** by ICANN org.

- ⊙ In initiating each ODP, the **Board** is expected to also **specify its scope**.

- ⊙ ODP **focuses on the operational design of recommendations** and/or other issues that help the Board decide if a recommendation is in the best interest of the ICANN community or ICANN, e.g., resourcing, timing, and dependencies.

- ⊙ **ICANN org will conduct ODPs with appropriate community consultation** (details on community consultation on slides 16-20).

Initiation in parallel with PDP WG.

◉ Community feedback supported an **earlier start to ODP under certain circumstances**, therefore overlapping with the PDP WG.

◉ If **Board or GNSO Council** believes that an ODP should be launched before the PDP WG concludes, they **shall consult and agree on an early start.**

  ○ At minimum, the PDP WG must have made sufficient progress to ensure the ODP will be both feasible and constructive.

◉ The **Board retains its role to formally initiate and scope an ODP** even if it starts during the PDP WG phase.

◉ An earlier start date may reduce the time of the ODP assessment after the GNSO Council approves the recommendations, however the **ODP will conclude after the Council has approved and finalized the recommendations**.

Scope

Possible ODP scope (non-exhaustive) of ICANN org's ODP conduct:

- Formulation of **cost estimates and fiscal impact** under different design scenarios, including feasibility;

- Preliminary definition of **design requirements and workflows** for assessment of technical decisions and resourcing, including 'ongoing' vs 'launch' resources;

- Questions to **inform execution of Request for Information** (RFI) processes from potential service providers;

- **Identification of dependencies** on existing work of ICANN org, other recommendations, advice, or policies, and possible resolutions or opportunities to streamline;

- Any other information that the Board deems relevant for its consideration of whether a recommendation is in the best interests of the ICANN community or ICANN.

Community Consultation during an ODP

- Community consultation is an **important part of the ODP**.

- Consultation between the OPD team and the **wider community uses existing consultation processes.**

- Consultation between the ODP team and the GNSO Council takes place via a **GNSO Council liaison.**

Community Consultation

- ⊙ ICANN org will conduct community consultation and outreach, including:

  - ○ **Webpage** that contains relevant information on the ODP work.
  - ○ **Public timeline** indicating milestones and planned completion.
  - ○ Regular **progress updates** via blogs, webinars, etc.
  - ○ ICANN org will be **available for dedicated updates and feedback sessions** to interested community groups.

Community Consultation - Scope

⊙ Community consultation is **not a mechanism to reopen policy questions.**

⊙ Community consultations will **solicit community feedback**, including on:
  ○ **Facts, figures, and assumptions** used for the ODP assessment;
  ○ Ensuring there are **no inconsistencies** in ODP assessment **with existing consensus policies** or other relevant work;
  ○ **Considerations from stakeholders** who are expected to implement recommendations or are otherwise affected;
  ○ Any other requests from ICANN org or Board for specific inputs/feedback.

GNSO Council Liaison

- The GNSO **Council is encouraged to select a liaison** to the ODP.

- The liaison **serves as contact between ODP team and GNSO Council**, e.g., on questions pertaining to substance/intent of recommendations, including underlying facts, figures, or assumptions.

- The liaison **keeps the GNSO Council informed** about their engagement with ICANN org and should be **empowered to convey relevant info from the Council to ICANN org**.

- Communication and consultation between the community and the GNSO Council and/or the GNSO Council liaison is encouraged but not something that can or should be prescribed by the ODP.

Consultation during an early start ODP

- If ODP is initiated before PDP WG has finalized its recommendations, **consultation occurs between ODP team and PDP WG**. Specifically:

  - Where requested by the PDP WG, **ICANN org shares progress on its preliminary design assessment work and engage constructively with the PDP WG**; e.g., to assist the PDP WG in exploring certain considerations.

  - The **PDP WG** and its leadership retain discretion to **determine whether and how to consider any information received from the ODP;**

  - **The PDP WG keeps the GNSO Council informed** about its decisions, encouraged to include rationale for not accepting or incorporating ODP findings.

- Once the PDP WG is concluded and the GNSO Council has adopted the recommendations, community consultation will mirror engagement described on the previous slides.

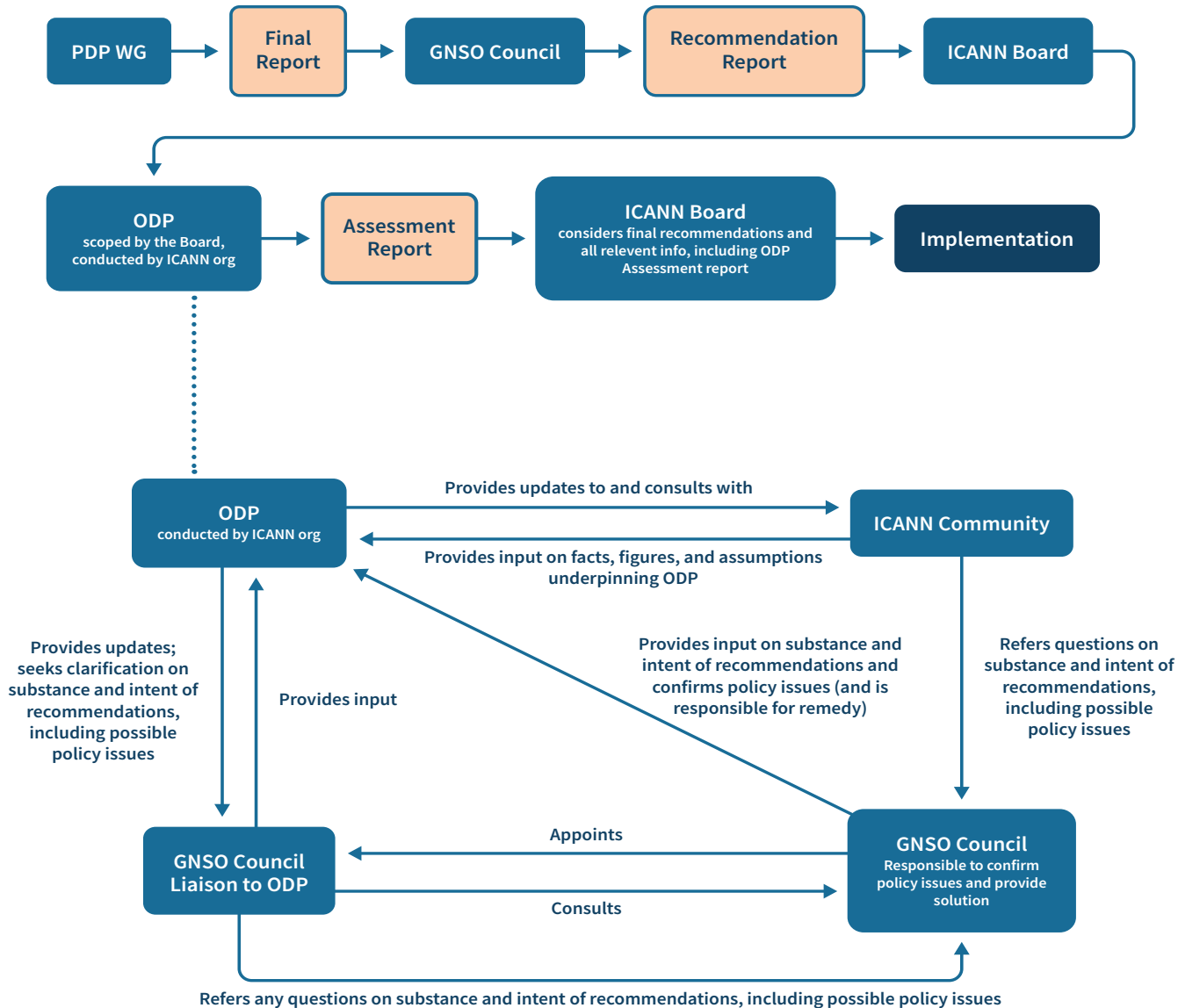# Next Steps in Finalizing the ODP

Agenda Item 4

Next Steps

- **22 January**: Community feedback due.
  - Can be sent to: Lars.Hoffmann@icann.org or Mary.Wong@icann.org.

- **29 January**: ICANN org to review community input and publish ODP paper
  - All feedback, redline and final clean version will be shared with the community and published on the ODP wiki page: https://community.icann.org/x/04omCQ

- **Following Step**: Obtain the Board's consent on updated version.

- Board to consider launching ODPs for EPDP Phase 2 and/or other consensus recommendations adopted by the GNSO Council.

Questions and Answers

Agenda Item 5

ODP Process Flow

Engage with ICANN

Thank You and Questions

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