GNSO PDP Design Phase Concept Paper

Discussion Draft

Purpose

This paper proposes an Operational Design Phase that is to be incorporated become part of the policy and implementation life cycle into the implementation review of Generic Names Supporting Organization (GNSO) policy recommendationsies. Such a Phase is to transparently inform the ICANN Board of Directors' (Board) consideration of GNSO Council-approved consensus policy recommendations. The Operational Design Phase will be initiated by the Board and include two tracks of activity: ICANN org's assessment of the impact of proposed policy recommendations; and the opportunity for community feedback on such an assessment. Combined, both tracks of the Operational Design Phase will:

- Enable risks, options, and costs to be better understood before the Board commits resources to an initiative;
- Create a mechanism that complements existing processes, without adding undue delay.;
- Enable collective early identification of issues likely to cause implementation obstacles or delays;
- Provide a mechanism to test ideas and assumptions with the community before a decision is taken by the Board;
- Provide transparency into the analysis used to inform Board decisions;
- Enlist the help of relevant ICANN org and volunteer experts to identify potential implementation options to be analyzed and costed

This proposal envisions the expansion of the work of the PDP Implementation Review Team (IRT) to include a Phase 1 that encompasses the Operational Design Assessment introduced in this paper.   The Phase 1 work will naturally evolve into Phase 2 along the lines of traditional IRT goals and objectives. As Operational Design is a key component of implementation, the IRT mechanism can be used to accomplish the goals established by the Operational Design Phase.   The IRT process would be expanded to encompass pre and post Board level decision making.

This paper provides background information, establishes the guiding principles and rationale for the Phase 1 IRT, describes the Phase's activities, including timing considerations, and defines roles and responsibilities.

This concept paper is a discussion draft, on which ICANN org seeks community feedback.

Background

The GNSO is responsible for developing consensus policies relating to generic top-level domains via the multi-stakeholder policy development process (PDP). Once the GNSO Council

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approves PDP recommendations, the Board is required by the Bylaws to consider and determine whether these are "in the best interests of the ICANN community or ICANN." The Board does so in the context of its fiduciary responsibility, the alignment with the scope of ICANN's mission, its Bylaws, and the global public interest.

In 2015, the Consensus Policy Implementation Framework (CPIF) was collaboratively developed among ICANN org and the GNSO's Policy and Implementation Working Group. Among other things, the CPIF tasks ICANN org with preparing materials for Board consideration of policy recommendations following their approval by the GNSO Council. The increasing complexity of consensus policy recommendations drives a need for more institutional attention to design and planning as part of the preparation of these Board materials.

The proposed Operational Design Phase offers a transparent structure and methodology for such preparation of Board materials, so that Board's decisions are informed by a clear understanding of, e.g., anticipated costs, resource requirements, and potential timelines for implementation.

Principles

The work of the Operational Design Phase should be based on the following underlying principles:

- The Operational Design Phase should increase the transparency of Board deliberations on PDP recommendations.
- The results of an Operational Design Phase should maintain fidelity to the

underlying policy recommendations. If any policy recommendations are substantively impacted by the analysis, these should be returned to the GNSO Council and/or relevant PDP WG for further consideration.

- The Operational Design Phase must~~should~~ not create delays in the overall timeline to Board consideration.
- The work in the Operational Design Phase enhances ~~does not replace~~ the implementation work of ICANN org with the Implementation Review Team (IRT) by creating a phased approach, whic~~h may begin as early as the issuance of a Preliminary Report by a GNSO Working Group and flows through the point of the Board decision and then is finalized after the Board approves policy recommendations.~~ h occurs after the Board approves policy recommendations, ~~but may inform the IRT~~.
- Affected stakeholders should have the ability to provide input to the work of the Board, ICANN org, and the community in the Operational Design Phase.

Rationale

The Operational Design Phase is proposed as part of building out additional elements of the aforementioned CPIF. Once defined and formalized, this phase will help educate and inform not

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just the Board but also the ICANN community by providing ~~visibility and~~ transparency into ICANN org's work leading up to a Board consideration. The operational design work will therefore improve the Board's, org's and community's understanding of possible challenges to future policy implementation, therefore increasing predictability and efficiency as well as accountability.

By modelling future operations, the Operational Design Phase provides a better understanding of the implementation process, identifies resource requirements, informs timing assumptions, and, to the extent that there are gaps or questions about implementability, provides an opportunity to course-correct prior to Board consideration. Formalizing such a phase ~~will also~~ recognizes the importance of prudent operational planning as part of a continuum of considerations throughout the life cycle of the policy and its resulting implementation. Moving forward, it is envisioned that the Implementation Review Team (IRT) process will include the Operational Design Phase as part of its work. And, as such, that the qualifications of potential IRT members will include individuals with experience in project management, budgeting, systems and logistics. ~~congihelpfully distinguish the nature of the work of this phase from that~~

~~which occurs during policy development and policy implementation.~~

It is important to note that the outcome of the Operational Design Phase cannot change or supplant bottom-up policy recommendations or the spirit of or rationale for such recommendations. Rather, any policy questions or issues identified during this phase that are critical to the design must be raised to the GNSO Council. ~~Neither does the Operational Design Phase replace the work of ICANN org and the community as part of the IRT after the Board has approved policy recommendations. Rather, the work done during the Operational Design Phase could help provide a foundation for the policy's eventual implementation, providing the org, IRT, and other bodies (e.g., IETF) with relevant implementation details.~~

The full Operational Design Phase may not be needed in the case of every PDP result; for example, if policy recommendations are relatively straightforward and require little change or technical infrastructure, the Board could determine that this phase should be abbreviated or is not needed within the context of the IRT.

This proposal is informed by and intended for use in the Board's consideration of policy recommendations. However, subject to experience, an equivalent Operational Design Phase could be applied to other scenarios outside of the GNSO PDP, such as review team recommendations and other community-derived initiatives. The extension of the Operational Design Phase to such initiatives will require modifications to the Design Phase to be made as appropriate.

Description of Activities

As noted above, the proposed phase encompasses both transparent operational analysis by ICANN org and a mechanism for community stakeholders to consider, corroborate, and, if necessary, add to the information that is being shared with the Board. The Operational Design Phase of the IRT ends when the

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Board considers the GNSO Council-approved recommendations and, thus, there are timing considerations to take into account, too.

ICANN Org: Operational Design Assessment

The ICANN Board initiates this process by passing a resolution to request the President & CEO to initiate the Operational Design Phase and specifying the expected scope of the design work

as well as other relevant parameters subject to the nature of the relevant PDP recommendations. The initiation of this process by the Board must occur when the PDP publishes its Initial Report for community review and shall be considered Phase 1 of the IRT. An individual designated by the CEO with subject matter expertise will be tasked with leading and managing the work and reporting back to the CEO. The Board may designate one or more of its directors to work with the ICANN org team to deliver the requested assessment at the same time the PDPs Final Report has been published.

This assessment is structured around a series of information requests established by the Board, which identifies questions and information it believes are necessary to understand the impact and organizational implications of a set of policy recommendations. Such requests could include the following:

- Analysis of cost estimates and fiscal impact under different design scenarios
- Preliminary definition of design requirements and workflows, for assessment of technical decisions
- Questions to inform execution of Request for Information (RFI) processes from potential service providers, if applicable
- Identification of other organizations or stakeholder groups affected and who should be consulted and/or alerted
- Preliminary risk analysis and mitigation plans for different design scenarios
- Gap analysis as to current state and feasibility of design options
- Identification of dependencies to other recommendations, advice, or policies, and possible resolutions or opportunities to streamline (bearing in mind that identification is not determinative of an eventual outcome and cannot itself be used to delay or avoid any consensus policy)
- Resource scaling requirements for launch vs. ongoing operations
- Review of recommendations for consistency with ICANN Bylaws and applicable laws

The nature and scope of these "chartering" questions would be expected to be driven by the nature and scope of the policy recommendations under consideration. For example, one policy

may require extensive systems development, while another may consist mainly of procedural, reporting, or other requirements. This set of activities is provided for in the existing CPIF, which specifies that when policy recommendations require the creation of a new service or changes to

an existing service, ICANN org will create draft requirements for systems and will coordinate with affected ICANN org teams to prepare for operational readiness, as needed.

ICANN org compiles the requested information and analysis into an Operational Design Assessment document. ~~This document will be informed by the policy as defined in the Initial Report, refined as the PDP works toward the final recommendations in the Final Report, and published at the same time the PDP publishes their Final Report.~~ In cases where there is privileged or sensitive data relating to this work, the framework around the Operational Design Phase should address how this will be handled, with a view to maximising transparency to the extent possible. The Operational Design Assessment, as the output of ICANN org's work during this phase, is informational in nature. ~~That is, the document would not include implementation decisions or recommendations. When complete, the Operational Design Assessment would be passed on for community review via a Design Feedback Group~~.

Community: A Phased IRT for the Life Cycle of Policy Development and Implementation ~~Design Feedback Group~~

~~The Design Feedback Group is created when the Operational Design Assessment work has commenced.~~ ~~As this phase occurs in the context of the multistakeholder model, it is important that, in keeping with ICANN's core values, the process be conducted in an open and transparent way.~~

~~A community-led Design Feedback Group (DFG) should consider and provide input on the operational design work conducted by ICANN org. The DFG would be a mechanism for the community to provide feedback on the ideas and assumptions in ICANN org's assessment before these are transmitted to the Board. DFG representatives would be selected based on defined qualifications, and they would assume responsibility for proactively seeking and coordinating feedback from their respective community groups.~~

~~The group will be expected to agree at the outset to a charter, operating procedures, and work plan. The charter would include a statement of work to define the group's scope and remit and ensure the group addresses the relevant questions posed to it. The operating procedures for the group should uphold the value of transparency, specify decision-making and agreement procedures, and provide for efficient administration. The work plan for the group would help track the activity to meet predetermined milestones using the allocated resources. While the specific work plans would vary, the charter and operating procedure should be consistent across different sets of policy recommendations~~

The group should not be a forum for revisiting existing policy decisions leading to the recommendations under consideration.

Essentially, the Operational Design Phase expands the scope of the IRT to include Its role would be focused on and limited to reviewing the technical, operational, fiscal, and organizational considerations in the Operational Design Assessment, which in turn guides Board consideration and next steps. For example, the group's feedback from this phase could focus on:

- Additional points or information not included in the assessment.
- Identification of gaps or questions not yet addressed.
- Additional operational considerations from stakeholders expected to implement or use a new service or system.
- Suggestions as to where additional expertise or information could be obtained.
- Responses where specific inputs have been requested from the group.

The group's activity would be complete once its feedback to the Operational Design Assessment is provided. The Board is expected to review and take into account the information provided by the group prior to making its decision on the policy recommendations, and document in its rationale how this information was considered.

Under a phased IRT, the Operational Design Assessment is the beginning of a process that will extend through the Board's adoption of GNSO Council Approved Policy Recommendations. In the event that the Board does not adopt GNSO Council Approved Policy Recommendations, the IRT could be suspended or disbanded based on the specifics of the Board's decisions.

The point of publication of a PDP Working Group's Preliminary Report is the signal for ICANN org to establish the IRT with the Phase 1 Operational Design Assessment in mind. If the Board determines that an Operational Design Assessment is not needed, then the establishment of the IRT may be deferred until after the Board adopts a proposed policy recommendation. Otherwise, upon Board adoption of a GNSO Council Approved Policy Recommendation, Phase 2 of the IRT begins. The Phase 1 IRT should be convened according to ICANN's PDP Implementation Principles. See https://www.icann.org/en/system/files/files/irt-principles-guidelines-23aug16-en.pdfIRT

IRT members from Phase 1 should be retained for Phase 2 as their experience and insights

may prove valuable to the specific tasks envisioned in Phase 2.   The IRT Phase 1 deliverable is the Operational Design Assessment and will be published for comment within a reasonable time as to expedite the transmittal of the information to the ICANN Board.

Timing Considerations

Given that the IRT~~this Pp~~hase I is intended to be a substantive part of the policy and implementation lifecycle, timing considerations are a critical part of establishing its structure. At a minimum, for both the ICANN org and the Phased IRT to work ~~DFG work~~, this structure should include defined timeframes to complete their respective deliverables.

It should be noted that the CPIF provides for preparation work to help inform implementation and operationalization throughout the policy life cycle in a variety of ways, including ICANN org monitoring and participating in policy development discussions as required or requested, to flag potential issues from an implementation perspective. The Board may also appoint one or more liaisons to a policy development process, to act as an information channel between the Board and the PDP working group.

As the Operational Design Phase is meant to inform~~bridge~~ the GNSO Council approval and Board approval, publication of the Initial Report ~~the Council approval~~ would be a logical trigger point for the Board to initiate the phase in line with the details provided above.

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~~An alternative option would be for the Board to initiate the Operational Design Phase earlier, so that it begins during the later stages of the PDP. The Board's decision on such an earlier start should be informed by adequate consultation between the Board, the GNSO Council, the PDP Working Group leadership, and the org. While other factors may be of relevance, the Board would need to ensure, through these consultations, that, at a minimum, the PDP Working Group has made sufficient progress on key recommendations to ensure the Operational Design Phase will be both feasible and constructive.~~

~~In such a case (illustrated below), o~~Once initiated by the Board, ICANN org would conduct preliminary analysis and gather relevant information and data and, where relevant, ICANN org should share progress of its preliminary design work and engage regularly and constructively with the PDP Working Group (through the Board liaison to the PDP Working Group?) to ensure that the PDP Working Group can use any relevant information to generate additional

precision to its recommendations.

The Bylaws (Annex A, Section 9) require that "The Board will meet to discuss the GNSO Council recommendation as soon as feasible, but preferably not later than the second meeting after receipt of the Board Report from the Staff Manager." Accordingly, ICANN org and the IRT Phase 1 ~~DFG~~, as appropriate, should aim to update the Board on progress at the latest by the second meeting after the policy recommendations have been presented to the Board.

Section 3.1 of the ICANN Bylaws specifies that ICANN and its constituent bodies shall implement procedures to "provide advance notice to facilitate stakeholder engagement in policy development decision-making and cross-community deliberations." Typically, this occurs via a public comment period before the Board votes on policy recommendations delivered to it by the

GNSO. With the formalization of the Operational Design Phase into the IRT, the work on the Operational Design Assessment ~~and the Design Feedback Group~~ could be incorporated into the public comment proceeding, to enable comment on the recommendations with the added context of the operational design work.

Roles and Responsibilities

To synthesize from the descriptions above, the following table notes the expected roles and responsibilities of each of the entities participating during the Operational Design Phase.

Entity	Relevant Roles & Responsibilities
PDP Working Group	• Develops policy recommendations through multistakeholder process • Provides information and clarifications to ICANN org and Design Feedback Group where necessary • Makes recommendations on aspects which may be suitable for an ODP, and for the skillset of members of ~~any DFG~~IRT Phase 1.

Entity	Relevant Roles & Responsibilities
GNSO Council	● Approves policy recommendations to be sent to Board ● Coordinates with PDP Working Group chairs on questions or clarifications from ICANN org and/or the ~~Design Feedback Group~~ IRT Phase 1. ● Determines steps to take if policy issues are referred to it
IRT Phase 1 ~~Design Feedback Group~~	● Considers Operational Design Assessment ● Identifies any inconsistencies with policy recommendations ● Engages with stakeholder community to develop and provide feedback to Operational Design Assessment
Supporting Organizations & Advisory Committees	● Identify representatives IRT ~~for Design Feedback Group~~ ● Consult on and coordinate any feedback to be provided to IRT Phase 1 ~~via Design Feedback Group~~

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Entity	Relevant Roles & Responsibilities
ICANN org	● Manages gathering of information, estimates, modeling to produce Operational Design Assessment for feedback ● Consults with experts or conducts RFIs to assist with cost estimates ● Delivers in a timely manner the responses to questions posed by the Board ● Responsible for transparency of the ODP process ● Defines the qualifications for the IRT Phase 1 ~~DFG~~, taking into consideration any input from the PDP

ICANN President & CEO	• Appoints relevant individual to lead operational design work
	• Accountable for delivery of relevant information to Board
Board of Directors	• Directs President & CEO to commence Operational Design Phase through the establishment of IRT Phase 1
	• Specifies questions or information it requests to be provided via the Operational Design Phase
	• Appoints liaison to IRT Phase 1Design Feedback Group
	• Considers and determines whether proposed policy recommendations are in the best interests of the ICANN community or ICANN. (Annex A)