

Operational Design Phase Form

Concept Paper v2.0

This Concept Paper proposes an Operational Design Phase (ODP) that consists of an ICANN organization assessment of Generic Names Supporting Organization (GNSO) Council-approved Policy Development Process recommendations (GNSO Council recommendations) initiated and scoped by the ICANN Board of Directors (Board). The paper has been updated with community input following ICANN69, and it now contains a flowchart in the Annex.

ODP Objective

The ODP is conducted by ICANN org (see flowchart in the Annex). Its 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)). Importantly, the ODP cannot amend or change the substance or intent of GNSO Council recommendations because the ODP is not a mechanism to reopen or revisit policy discussions that took, or are taking, place in the Policy Development Process (PDP). If during the ODP the Board, the community, or ICANN org are unclear about the intent or substance of a given recommendation, or believe there may be an unanswered policy question, the issue in question must be referred to the GNSO Council.

Executive Summary

The Board will generally initiate an ODP after the GNSO Council has voted to approve PDP recommendations and submitted the requisite Recommendations Report to the Board, in accordance with Annex B, Section 8 of the Bylaws (see flowchart below). In some cases, the Board may initiate the ODP earlier, to overlap with the final phase of the PDP.

The Board will initiate an ODP in instances where it believes that the implementation resourcing for the complexity of GNSO Council recommendations warrants an assessment by ICANN org; before the Board can decide if adoption of the recommendations is in the best interests of the ICANN community or ICANN. In initiating each ODP, the Board is expected to also specify its

scope. While the emphasis of the assessment may vary, an ODP will generally focus on the operational design of GNSO Council recommendations, or any other issue that will help the Board decide whether a recommendation is in the best interest of the ICANN community or ICANN, including but not limited to resourcing, timing, and dependencies.

The original version of this Concept Paper proposed the formation of a community-based Design Feedback Group. Community feedback suggested that such a new body would create unnecessary formality, and complexity, in addition to potential timing implications, may lack the kind of flexibility needed for a process such as the ODP. In view of the community's input, such a formal group is no longer envisaged. Instead, the GNSO Council is encouraged to appoint a liaison to ICANN org's ODP team. The liaison will serve as the primary contact between ICANN org and the GNSO Council, providing feedback and input to the ODP, when needed. Additionally, ICANN org will maintain a website where status updates and other relevant information will be provided to the community, to ensure transparency. Further, ICANN org will consult regularly with the GNSO Council and the wider community via existing outreach mechanisms, including webinars, outreach during ICANN meetings, and blog posts, as appropriate during the ODP.

As envisaged, the ODP will become part of the generic top-level-domain (gTLD) policy-implementation lifecycle and, once finalized, will be incorporated into the existing Consensus Policy Implementation Framework (CPIF). ICANN org will conduct a community consultation on the functionality of an ODP after two ODPs have concluded; to ensure that the ODP operates effectively fulfilling the needs of the Board, the community, and ICANN org,.

[The Operational Design Phase](#)

The Board formally initiates the ODP in writing, e.g., via a letter to the GNSO Council, a Board resolution, or through other mechanisms, etc. In doing so, the Board directs the President and CEO to conduct an ODP for a specific set of GNSO Council recommendations. The purpose of the ODP is to prepare the Board for its deliberations, including the recommendations' operational impact. The ODP is set up to do so within a rigorous framework that is consistent with the CPIF; which already specifies that ICANN org create draft preliminary requirements for systems, and coordinate with affected ICANN org teams to prepare for operational readiness, as needed. Building on this, the Board shall specify in its ODP launch request the scope and timing of ICANN org's assessment. This includes any relevant questions or concerns the Board

may want to have addressed, in order to consider whether the recommendations are in the best interests of the ICANN community or ICANN. The following is a list of illustrative examples of possible scope issues:

- Formulation of cost estimates and fiscal impact under different design scenarios;
- Preliminary definition of design requirements and workflows, for assessment of technical decisions and resourcing;
- Questions to inform execution of Request for Information (RFI) processes from potential service providers;
- Identification of specific stakeholders that may be directly affected by the recommendations and who should be alerted during the implementation;
- Preliminary risk analysis and mitigation plans for different design scenarios;
- Gap analysis as to the feasibility of design options;
- Identification of dependencies on existing work of ICANN org, other recommendations, advice, or policies, and possible resolutions or opportunities to streamline;
- Resource scaling requirements for launch vs. ongoing operations;
- Review of GNSO Council recommendations for consistency with ICANN Bylaws and applicable laws;
- 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.

Once an ODP is launched, the CEO or his/her designate will appoint a subject matter expert (SME) to be tasked with leading and managing ICANN org's ODP assessment, based on the scope set by the Board. The SME will report back to the CEO or his/her designate and provide regular updates to the Board.

Community consultation remains an important part of the ODP and will take several forms:

- The GNSO Council is encouraged to select a liaison to the ICANN org ODP team that is performing the ODP assessment.
- The liaison will serve as the primary contact between the ODP team and the GNSO Council, including on questions pertaining to the intent, substance or meaning of the GNSO Council recommendations and any underlying facts, figures, or assumptions that informed the recommendations.

- The liaison is expected to keep the GNSO Council informed about their engagement with ICANN org and should be empowered to convey relevant information from the GNSO Council to the ODP team.

To inform and engage the wider community, ICANN org shall create a dedicated webpage that contains relevant information on the ODP work. Additionally, ICANN org shall conduct regular community outreach throughout the ODP. The frequency of outreach will depend on ICANN org's assessment of the GNSO Council recommendations; and the complexities of the Board's ODP request as well as community interest. These community consultations will not cover the substance of the GNSO Council recommendations; instead, their aim will be to provide progress updates and solicit targeted community feedback, including on:

- Facts, figures, and assumptions that ICANN org uses for its ODP assessment;
- Ensuring there are no inconsistencies in ICANN org's assessment of the recommendations' subject to the ODP with existing Consensus Policies or other relevant work;
- Additional considerations relevant to the scope set by the Board, from stakeholders who are expected to implement recommendations or are otherwise affected by them;
- Requests from ICANN org or the Board for specific inputs from the community.

Once ICANN org has completed its assessment, including considering any specific feedback from its community consultations, ICANN org will transmit its assessment report to the ICANN Board. The assessment is informational and not prescriptive in nature; and is tailored to provide the Board with the information it requested relating to the Board's consideration of a given GNSO Council recommendation. Following ICANN org's transparency and publication practices, the report and information contained therein will be published on ICANN's webpage. The assessment is intended to inform the Board's deliberations on whether a recommendation is in the best interest of the ICANN community or ICANN; and to support the Board's obligation to act on the GNSO recommendations in accordance with the Bylaws.

Timing Considerations

Given that the ODP is intended to be a part of the policy and implementation lifecycle, timing considerations are an important aspect. The natural trigger point for an ODP is the point where the GNSO Council has transmitted its Recommendations Report to the GNSO Council (as per Annex A, Section 8 of the Bylaws); allowing for certainty about the substance and intent of the recommendations.

The Board is required under the Bylaws to “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” (Annex A, Section 9). While ICANN org will strive to complete an ODP in time for that second Board meeting, an ODP for more complex implementations is likely to require more time. For all ODPs, ICANN org will work as quickly as is feasible in the circumstances and provide regular updates on progress, including a timeline by which completion is anticipated.

Community feedback on the initial version of this Concept Paper supported the idea of an earlier start to the ODP under certain circumstances. Such an earlier start would mean that the ODP overlaps with the final phase of the PDP WG. Notably, the CPIF already contemplates that ICANN org staff observe and engage during the progress of any PDP: “GDD staff will follow policy development activities to engage on implementation-related matters, as appropriate. Consideration and feedback to policy work products and Consensus Policy recommendations as it relates to implementation will occur through the various phases of the GNSO Policy Development Process.” The ODP is not intended to replace or preclude the existing consultations that take place under the CPIF. However, where either the Board or the GNSO Council believes that a particular PDP may benefit from a formal ODP before the policy development phase concludes, the Board and the GNSO Council shall consult and agree on such an earlier start. While other factors may be of relevance, the consultations should demonstrate that, at a minimum, the PDP Working Group has made sufficient progress on key recommendations to ensure the ODP will be both feasible and constructive.

In the case of overlap between an ODP and the work of the PDP Working Group (WG), the ICANN org team conducting the ODP shall remain in close consultation with the GNSO Liaison. Where applicable and requested by the PDP WG, ICANN org can share 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 noted in the PDP Manual which states that the “PDP Team should carefully consider the budgetary impacts, implementability, and/or feasibility of its proposed information requested and/or subsequent recommendations” ([PDP Manual](#) Section 10). The PDP WG and its leadership will retain the discretion to determine whether and how to consider any information received from ICANN org during the ODP; however, the PDP

WG is expected to keep the GNSO Council informed as to these decisions, including any rationale for not accepting or incorporating findings from an ODP.

Conducting an ODP during the work of the PDP WG may reduce the length of the ODP after the GNSO Council has approved the recommendations. However, the ODP's purpose, as stated above, is to inform the Board's discussion on whether a recommendation is in the best interest of the ICANN community or ICANN. Therefore, the ODP cannot conclude before the GNSO Council has adopted the recommendations and submitted the Recommendation Report to the ICANN Board.

Principles

The Operational Design Phase 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 whether a given recommendation is in the best interests of the ICANN community or ICANN;
- Be conducted by ICANN org, focusing on operational and other relevant aspects of implementing the GNSO Council recommendations, which the Board believes will help inform its deliberations;
- Rely on existing community structures and processes for consultation and feedback;
- Provide a mechanism to test ideas and assumptions regarding the operational impact of a recommendation without amending or changing their substance or intent;
- Provide the ICANN community with the opportunity to provide feedback on the facts, figures and assumptions that underpin ICANN org's assessment;
- Ensure that the Board has all information it deems necessary to make decisions that are in the best interests of the ICANN community and ICANN.

The Operational Design Phase will not:

- Impose restrictions on or limit the work of the PDP or PDP WGs;
- Impact the GNSO Council's role as manager of the PDP;
- Present an opportunity to reopen or revisit policy questions settled during a PDP;
- Allow for any changes to the substance or intent of GNSO Council recommendations that are before the Board;

- Alter the roles and responsibilities of ICANN org and the Implementation Review Team that is formed during the implementation process after the Board has adopted the GNSO Council recommendations.

[Integration/Relationship with the Existing Consensus Policy Implementation Framework \(CPIF\)](#)

In 2015, the [Consensus Policy Implementation Framework](#) (CPIF) was collaboratively developed by 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 GNSO Council recommendations. Therefore, once finalized, the ODP will be incorporated in the CPIF. The ODP should remain a flexible process. Its procedures and processes should be adaptable and allow for future fine tuning, changing circumstances and other instances that may require procedural improvement. Its incorporation into the CIPF will allow for this needed flexibility while ensuring the ODP is conducted with adequate transparency and predictability.

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 fulfils the needs of the Board, the community and ICANN org.

[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 ODP.

Entity	Relevant Roles & Responsibilities
PDP Working Group	<ul style="list-style-type: none"> ● Uses consensus to develop policy recommendations through multistakeholder processes. ● May consider, but is not bound by ODP assessment, in case ODP overlaps with PDP WG.

GNSO Council	<ul style="list-style-type: none"> ● Manager of the PDP. ● Approves recommendations and transmits them via a Recommendations Report to the Board. ● Consults with the ICANN Board in cases where an ODP launch overlapping with the PDP WG is sought. ● Appoints a liaison to the ODP. ● Is responsible for responding to questions regarding the substance or intent of recommendations that result from the ODP.
Community	<ul style="list-style-type: none"> ● Receives regular updates on the process of the ODP. ● Is consulted on the facts, figures, and assumptions that underpin ICANN org's ODP assessment ● Brings relevant viewpoints from affected community groups to develop and provide feedback to the ODP.
ICANN org	<ul style="list-style-type: none"> ● Conducts the ODP. ● Consults with the GNSO Council liaison, the GNSO Council, the wider community, and the PDP WG, as appropriate. ● Refers questions regarding the substance or intent of recommendations to the GNSO Council via the GNSO liaison. ● Provides regular updates of its work and maintains a publicly-accessible webpage documenting ODP progress. ● Delivers in a timely manner response to questions posed by the Board.
ICANN President & CEO	<ul style="list-style-type: none"> ● Appoints ICANN staff member to lead operational design work. ● Accountable for delivery of relevant information to the Board.

Board of Directors

- Directs President & CEO to commence Operational Design Phase.
- Consults with GNSO Council in case an ODP launch prior to the conclusion of the PDP WG is required.
- Specifies the scope of the ODP, including questions or information that it deems necessary, to decide if a recommendation is in the best interests of the ICANN community or ICANN.
- Considers the GNSO Council Recommendations Report in light of the ODP assessment, public comment on the PDP WG Final Report, and any other relevant information when deciding if a recommendation is in the best interests of the ICANN community or ICANN.

ANNEX

ODP Flowchart

