Subject: [EC] Proposal at APNIC 59 AGM for EC-appointed legal representation
Date: Saturday 5 April 2025 at 13:45:58 Australian Eastern Standard Time
From: Kenny Huang, Ph.D.
To: h.lu, EC

Dear Lu Heng,

Thank you for your participation in the APNIC 59 AGM in Petaling Jaya, Malaysia. The APNIC Executive Council (EC) appreciates all comments and suggestions at the AGM. Among the comments you made during the meeting, we note your suggestion for the EC to retain legal advisors who are independent of the Secretariat as, in your opinion, the advice of APNIC's staff and General Counsel may be conflicted due to them being employees of the organisation. I had responded at the AGM that the EC will take into consideration your suggestion, and this letter outlines the EC's response.

In considering your suggestion, it is important for us to have the same understanding of the basics of legal practice. Boards of Directors typically do not retain separate legal advisors. An organisation's internal legal team comprises of qualified lawyers who are bound by ethical standards, with their primary duty to the administration of justice and upholding the law. They must act in the best interests of the client they serve – their organisation – while avoiding any compromise to their integrity and professional independence. They must put the interests of the organisation above their own (or those of their colleagues).

In this regard, when APNIC's General Counsel or legal team provide advice to the APNIC EC, they do so with independence and the best interests of the organisation (which the EC serves) in mind.

The APNIC Executive Council has the utmost confidence in the APNIC General Counsel and legal team, who execute their roles with integrity and a commitment to serve APNIC.

It is also worth noting that the cost of the EC retaining independent counsel for the reasons suggested would be a significant expense, which runs counter to the EC's obligation for APNIC to operate in a financially responsible manner. We note your comments in the past and at the AGM where you have very clearly stated that APNIC should avoid unnecessary expenses; on this point we are agreed.

Given the above, the EC finds it unnecessary to engage separate legal counsel for the reasons you have suggested.

This concludes our consideration of your comment and the EC considers the matter closed. This response will be published on the APNIC website. Thank you.

Kind regards,

Kenny Huang
APNIC EC Chair