

Propositions

1. From a legal point of view, general average and in particular the way it is currently applied in practice, is a mess.
2. A universal general average regime cannot be created by mere contractual references to (a specific version of) the YAR or by the implementation of a universal conflict of law rule.
3. The determination of a general average contribution per property can only be legally justified when the parties interested in the property are subject to the same adjustment rules as all other parties interested in other properties involved in the maritime adventure.
4. The YAR's incorporation in charter parties can be compared to the Hague Rules which are also invariably referred to in such contracts.
5. The CMI Guidelines on General average adopted during the CMI Conference in New York on 6 May 2016 are no more than a collection of leftovers that were regarded unsuitable for adoption in the YAR.
6. Reasonableness is not an outdated concept.
7. For an opinion's assessment and in particular the value put to it, the position in society of the person giving the same is at least as important as the quality of the opinion.
8. All allegations made in publications are subject to new insights. As such they should be approached with caution and cannot definitively be regarded as the author's final opinion on the matter.
9. The influence of fear and gut feelings in contemporary society is difficult to overestimate.
10. *"The worst readers are those who behave like plundering troops: they take away a few things they can use, dirty and confound the remainder, and revile the whole."*
F. Nietzsche, *All too human/Assorted Opinions and Maxims* 137
11. Some Germans do have a sense of humour.