

Please note this Article appeared in the new Travel-Zine from HolidayTravelWatch – Get'Away – Your Route to Travel Rights™

Is It Really All God's Fault?

The Impact and brutality of Hurricanes or Tropical Storms was witnessed in Wilma, Katrina and now Alberto. The events of 2005 confirmed what many commentators had predicted - large intense storms, some claiming this to be the result of Global Warming. Every year, The National Oceanographic and Atmospheric Administration (NOAA) provide a prediction for the forthcoming Atlantic Hurricane season and 2006 is no exception. For this season they are predicting 'an 80% chance of an above normal Hurricane season' with a 5% chance of a below normal season. They are predicting 13 - 16 named storms; 8 - 10 Hurricanes and 4 - 6 Major Hurricanes.

Lest we forget Bali and other destinations, Dahab revealed the cruelty of man, not God, toward his fellow man. On close examination of the aftermath of the Dahab bombing, it can be seen that there are deeper threads of public disquiet. For example, the land around Dahab had been subject to disputes about land grabbing for tourist development (BBC - 25 April 2006); Egyptian Judges are in a major dispute with their Government over their independence (BBC - 15 & 25 May 2005); Egyptian Authorities have linked the attacks of Dahab and Sharm el Sheik to extremist activity from the Gaza Strip (BBC - 23 May 2006); Egyptian Authorities killed a suspected militant leader in the Northern Sinai (BBC - 9 May 2006).

These are 2 examples of the real or potential threat to holidaymakers safety. This Organisation received many calls for assistance following the Mexican Hurricanes in 2005. Despite clear warnings of the Hurricane's advance, holidaymakers were kept in resorts, and some were left to fend for themselves. Holidaymakers were trapped for days, often only making do with meager rations, their only hope being repatriation. Hurricane cases are often compounded by travel providers flying people out to the scenes of devastation, and in both scenarios they claim there was nothing they could do - it was an 'Act of God'.

The repulsion of terrorist attacks will often bring universal condemnation. In the days that followed the Dahab incident, the usual calls for sympathy and solidarity are made - this is then usually followed with the 'if you don't support the local economy, then the terrorists have succeeded'. In her recent article in the Telegraph, Cath Urqhart condemned this approach stating that she did not want, as a tourist, to become a foot soldier in the war on terrorism. When holidaymakers affected by such events have complained, they have again been met with the 'Act of God' defence.

Is it right, given the information available, either with a man made or natural disaster, that holidaymakers should be exposed to unnecessary risk? Is it right that the gloss of a brochure hides information which could assist the holidaymaker to make an informed choice? Is it right that travel provider's can continue to blame God? Is it not the case that these events attract a 'with notice' label? The truth is, most holidaymakers trust the companies they travel with, and trust they will fully advise them, and properly assess risk. They do not expect to be exposed to danger or abandoned in their hour of need.

Regulation 15 (2) of the Package Travel Regulations provide the defence to a travel claim. An Organiser can avoid liability if he can show that it was the:

Fault of the Consumer;

Fault of a third party not connected to the contract and such faults are unforeseeable and unavoidable;

Unusual and Unforeseeable circumstances beyond the control of the party, which could not have been avoided even if all due care had been exercised, or an event..even with all due care they could not foresee or forestall.

Many holidaymakers often accept the events that have ruined their holiday, simply because of the 'deity connection'. Not surprisingly, we take the opposite view. Science and knowledge combine to create a more informed society, a society of informed choices. It is now unacceptable to hide behind the veneer of force majeure. It is time for the consumer to challenge this comfort zone, and bring offending operators into a new century of responsibility and rational thinking.

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