Introduction

On December 26, 2004 a tsunami ravaged Southeast Asia and parts of Africa, killing nearly 200,000 people and leaving over 100,000 people missing.\(^{19}\) In Thailand, where six Andaman coastal provinces were hit, more than 6,000 people were killed\(^{20}\) and over 3,000 people are still missing.\(^{21}\) As a result of this tragic loss of life, between 1,000 and 1,500 Thai children were orphaned. This number may increase substantially once the full effects of the tragedy are known.\(^{22}\)

Survivors of the Tsunami continue to face difficulties as the tourist-dependent economy remains fragile in the wake of the widespread destruction of resorts.\(^{23}\) In addition to economic concerns, survivors face multiple post-traumatic stress related issues. In its wake, the Tsunami disaster left many people, particularly orphans, severely

\(^{22}\) Id.
\(^{23}\) McGeown, supra note 2.
emotionally scarred. According to a survey conducted by the Mental Health Department, between nine and thirteen percent of survivors have developed clinical depression.

The first wave of the Thai government’s response was fast and efficient, and many of the immediate needs of its people were successfully met. Even more impressive, Thailand declined to rely on international aid, and instead, residents were provided sufficient relief with internal funds. First, Thailand began a sophisticated process of identifying bodies of the deceased, a necessary process in allocating aid to families. The government also built shelters, rehabilitation centers, and boarding schools for affected children in each province. The Mental Health Department created a mental health center for children and organized a two-year program for children...

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25 *Id.* The Deputy Chief of the Mental Health Department stated that children, particularly orphans, are at the highest risk for long-term psychological problems. *Id.*
28 The unidentified bodies are being held in refrigerated containers and implanted with microchips. Some bodies have been exhumed from mass graves used immediately after the response. All these bodies will likely be sent to a single location and have their DNA tested to ensure correct identification. *Thais Dig Up Graves to Identify Bodies* Jan. 10, 2005, CNN WEBSITE, available at http://edition.cnn.com/2005/WORLD/asiapcf/01/10/asia.Tsunami/ (last visited Apr. 21, 2005). While this process is technologically sophisticated, it very time consuming which poses a problem for orphans trying to get aid. See supra Part II.
29 The King, Bhumibol Adulyadej, has personally donated money for the schools as well in honor of his grandson who was killed during the Tsunami. *King Gives, B10M More For Orphans*, BANGKOK POST, Jan. 10, 2005, available at 2005 WLNR 345719. Also, international organizations have donated money for these schools. *Id.*
psychologically affected by the Tsunami. Finally, the government began to take measures to restore the tourist industry, critical to reviving the Thai economy. Many tourist destinations were quickly rebuilt and have since been reopened.

As the country tackles the long-term relief needs of its citizens, particularly the orphans, it is unclear whether the second phase relief effort will be as successful as the first. On one hand, Thailand has a solid foundation for addressing children’s needs through its Child Protection Act. Furthermore, the mental health programming and the new schools will help the orphans to adjust and move forward in their lives. Although extended family members have taken in most of the orphans, Thailand has a sophisticated adoption program for local and international adoptions. On the other hand, Thailand is faced with at least three significant problems as the second wave of rehabilitation begins. First, there are problems with the distribution of aid to Tsunami victims. Next, due to inadequacies in land inheritance laws and inconsistencies with preservation of property rights, orphans may lose their rights to ancestral lands. Finally, there is a lack of coordination between the government and non-governmental organizations (NGOs). This lack of coordination makes efficient administration of relief difficult as services are either duplicated or areas are overlooked altogether.

Through careful research and analysis, we have identified gaps in Thailand’s existing legal and political framework and identified changes that can be made to improve the ability to address the long-term needs of children orphaned by the Tsunami. This paper will first address the many factors that will contribute to the likelihood of

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30 More Wave Orphans Than First Thought, supra note 6.
31 McGeown, supra note 2. Interestingly, the areas that are still devastated by the Tsunami have themselves become tourist destinations for international tourists. Id.
33 The Child Adoption Act of 1979 [hereinafter CAA].
success of Thailand’s second phase relief efforts, particularly, existing laws to protect the rights of Thai children and newly created government initiatives to aid Tsunami orphans.\textsuperscript{34} Next, barriers to the success of the long-term relief process will be addressed, including issues related to distribution of aid, land inheritance, and the role of NGOs in the second phase relief effort.\textsuperscript{35} Lastly, by incorporating the strengths of Thailand’s response to the Tsunami as well as its weaknesses, we propose a disaster relief model to serve as a guide to the international community in the future.\textsuperscript{36}

\textsuperscript{34} See infra Part 1.
\textsuperscript{35} See infra Part 2.
\textsuperscript{36} See infra Part 3.