

Climate Law and Litigation Blog – Issue No. 3 (2026)

Legal Challenges Due to Sea Level Rise in Japan: From the Perspective of the Law on Climate Change

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Shifting of National Maritime Zones Due to Climate Change-Associated Sea-Level Rise

[The advisory opinion on obligations of States in respect of climate change](#) issued by the International Court of Justice in July 2025 respects a State's right to self-determination (para. 357) when parts of its territory are submerged due to sea-level rise associated with climate change. It also cites the absence of a provision in the UN Convention on the Law of the Sea (UNCLOS) that obliges contracting parties to update maritime zones (para. 359). The Court expressed the view that updating charts or lists of geographical coordinates is left to the discretion of each State (para. 362). While the unanimous in its advisory opinion, the Court is divided in its evaluation of this issue, as evidenced in [the supplementary opinions](#) by some of the Court's judges..

Due to the lack of explicit provisions in UNCLOS regarding how to interpret maritime zones in light of climate change-induced sea-level rise—a phenomenon unforeseen when the UNCLOS was established—two main positions have emerged broadly categorized as the [mobile theory](#) and the [fixed theory](#). The former is based on [the principle of the domination of the land over the sea](#) and consistency with physical realities, and has become the prevailing view. However, this position is unable to address the problem of a loss of maritime rights due to the rise in sea level. The ICJ's advisory opinion can be seen as striking a balance between the two theories by leaving the updating of maritime zones to State discretion.

Japan is an island nation and a maritime State with an extensive [coastline of](#)

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[approximately 35,641 kilometers](#) and [14,125 inhabited and uninhabited islands](#). These coastlines and islands play a crucial role in supporting the rights and entitlements derived from them. The importance of remote islands (border islands) that establish the outer limits of Japan's jurisdictional waters is self-evident. Therefore, Japan faces significant legal challenges due to the potential loss of national territory due to the rise in sea level and the consequent possibility of baseline shifts. [Baseline refers to the line from which the extent of the territorial sea is measured.](#) The normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State (Article 3, [Convention on the Territorial Sea and the Contiguous Zone](#)). As sea levels rise, the low-water line will generally shift further inland.

However, the rise in sea level caused by climate change not only impacts the challenges associated with baseline shifts but also profoundly affects the lives of people residing in these areas, businesses conducting economic activities there, and those benefiting from such activities.

This post first examines the legal challenges often discussed from an international law perspective, premised on the possibility of baseline shifts. This section reviews the Japanese government's past responses and future challenges in this area. It then positions and examines other legal challenges that are more directly linked to people's lives within the broader context of legal issues in climate change adaptation.

Potential Shifts in Japan's Maritime Zones: Current Status and National Responses to Shifts in Maritime Zones

Since the 1980s, Japan's coastal average sea level has shown an upward trend. Although there are slight variations between the northern and southern sea areas, data indicate that the average sea level rose at a rate of [approximately 3 mm per year between 2004 and 2024](#). So far, Japan has established [160 straight baselines](#). However, if the small islands serving as intermediate points along these baselines become submerged, the legal basis for the straight baselines becomes ambiguous, potentially leading to extensive loss of territorial and internal waters.

At Japan's southernmost point, [Okinotori Island](#) is already submerging. This coral atoll is located 1,700 km from Tokyo. As of this writing (August 2025), only two islets remain: North Islet and East Islet. Surrounding the island is [an Exclusive Economic Zone \(EEZ\) of approximately 420,000 square kilometres](#), vastly exceeding Japan's land territory. The surrounding waters are also rich in marine resources, known as spawning grounds and migration routes for fish such as bonito and tuna. Furthermore, the seabed is said to contain valuable mineral resources such as methane hydrates, manganese, and copper, which hold promise as alternative energy sources to fossil fuels.

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Regarding the Japanese government's position, in 2023, during a meeting with a Pacific Islands Forum delegation, then-Foreign Minister Hayashi [stated](#) that “with regard to sea level rise due to climate change, Japan takes the position that even if coastlines recede, the maintenance of baselines established in accordance with the United Nations Convention on the Law of the Sea is permissible.” Furthermore, externally, the Ministry of Foreign Affairs stated [the following position](#) at the High-Level Meeting on “Addressing the Threats Posed by Sea Level Rise” (25 September 2024):

- Japan recognizes that sea-level rise and flooding caused by climate change pose a severe and imminent threat, particularly to vulnerable countries, such as those with SIDS and African nations.

- Threats of territorial loss and submersion due to sea level rise not only impact national security but also threaten people's daily lives through flooding and farmland loss, making them issues that must be addressed from a human security perspective.

- In its National Security Strategy formulated in December 2022, Japan reaffirmed its position that climate change is a security issue concerning the very existence of humanity and that it will provide support to climate-vulnerable countries, including island nations, to build sustainable and resilient economies and societies.

- Legal stability and predictability are particularly important for SIDS and African coastal states facing various uncertainties due to sea-level rise associated with climate change.

- Japan has consistently stated that maintaining existing baselines established under the UN Convention on the Law of the Sea is permissible even if coastlines recede due to climate change.

From the perspective of Japan, particularly regarding climate security, the ICJ's advisory opinion aligns with this longstanding position and is therefore welcomed.

Legal Challenge 1 in Adapting to Climate Change: Forced Migration

Japan's land area is [75% mountainous or hilly terrain](#), and [67% is forested](#). Mountains run north-south through the main island like a backbone, while human settlements are concentrated in coastal areas. In Tokyo, the capital, [some areas are at sea level, and some regions are below sea level](#). The submersion of these coastal areas will become a reality as sea levels continue to rise. Some projections indicate that a [1 m rise in sea level could result in the loss of over 90% of Japan's sandy beaches](#).

Even if coastal areas are submerged and residents are forced to relocate, there has

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been little domestic discussion in Japan about what legal protections they would receive. While climate lawsuits concerning climate refugees have been seen [elsewhere](#), cases involving relocation within the same country seem extremely rare. [Recent research](#) has been conducted to estimate the costs of sea-level rise countermeasures involving group relocation from coastal to inland areas by applying existing systems, such as [the Disaster Prevention Group Relocation Promotion Project](#) (established in 1972) and [the Disaster Prevention Group Relocation Support Project](#) (established in 2020). The Disaster Prevention Group Relocation Promotion Project provides partial subsidies to municipalities and other entities undertaking initiatives such as developing housing complexes, relocating residences, and purchasing land in areas where natural disasters have occurred or are likely to occur. Its purpose is to promote the collective relocation of residents from areas unsuitable for habitation through unified community action. The Disaster Prevention Group Relocation Support Project is a programme under the Urban Regeneration Special Measures Act that provides support for the relocation of residences and facilities, including assistance with registration procedures and tax systems. The risk of storm surges and typhoons is increasing. Furthermore, in Japan, a major earthquake-prone nation, when coastal areas suffer damage from earthquakes, the resilience of those regions is compromised, reducing capacity to deal with storm surges and flooding. The [Noto Earthquake](#) that occurred in January 2024 is one such example.

Separate from such administrative services, one could frame the damage as arising from the illegal acts of entities responsible for emissions or nations that failed to adequately regulate them considering potential legal remedies under Japanese law. This could allow citizens forced to relocate to seek damages for tortious acts (Civil Code, [Article 709](#) or State Redress Act, [Article 1](#)) against the responsible companies or the State. Alternatively, if the relocation of coastal residents is framed as climate change adaptation within national land use planning in response to sea-level rise, it could be categorized as a loss compensation issue ([Article 29, Paragraph 3](#) of the Constitution), leading to uniform compensation for citizens forced to relocate. Cases where the appropriateness of such adaptation measures for coastal submersion is contested in climate litigation are already occurring globally, starting with [Australia](#). The appropriateness of adaptation measures to sea-level rise, including the construction of coastal levees, could be contested in climate litigation in Japan in the future.

Legal Challenge 2 in Adapting to Climate Change: Nuclear Power

Following the Fukushima Daiichi nuclear accident triggered by the 2011 Great East Japan Earthquake, [all 54 nuclear reactors operating in Japan were shut down](#). Nevertheless, [the Seventh Basic Energy Plan](#), which was decided by the Agency for Natural Resources and Energy in 2025, advocates for the maximum usage of nuclear

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power as a national policy.

Nuclear power plants are typically located near coastlines due to the need for large-scale water-cooling and the convenience of fuel imports. Consequently, the necessity of relocating nuclear plants due to sea-level rise will likely be of increasing importance. However, given the significant risks in the event of an accident, locating plants in urban areas is expected to face strong resident opposition, making the process highly difficult. If this occurs, the possibility of nuclear plants becoming unsustainable and being shut down becomes a realistic prospect despite contradicting the Basic Energy Plan policy. In Japan, the construction of nuclear plants is subject to [a licensing system](#), meaning the freedom of economic activity concerning plant operation is inherently subject to reasonable constraints. Regarding new construction or continued operation in areas at high risk of sea-level rise, it is anticipated that the Nuclear Regulation Authority will either deny permits or revoke existing ones.

However, nuclear power alone may not be sufficient to meet Japan's total electricity demand. At this juncture, Japan must steer its energy policy toward appropriately increasing the adoption rate of renewable energy, rather than merely extending the lifespan of fossil fuel power plants through measures such as ammonia co-firing.

Japan Must Sincerely Confront its Vulnerability to the Impacts of Climate Change

In summary, this blog post has pointed out several legal challenges Japan faces due to sea-level rise accompanying climate change, including issues related to baseline changes and problems arising from coastal submersion. The previous record high temperature was surpassed in the summer of 2025, [reaching 41.8°C](#). Throughout the summer of 2025 Kyoto continued to endure intense heat exceeding 38°C. Precisely because such extreme heat directly impacts people's physical experience, many Japanese tend to view climate change issues superficially, focusing only on summer becoming hotter and increasing the risk of heatstroke. To prepare for the diverse challenges that may arise in the future, Japan must increase public awareness and deepen discussions.

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