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Sustainability as a basic principle for legislation: a case study of drafting laws in Finland.

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Abstract

Sustainability is most often defined in terms of three dimensions: environmental, economic, and social. In legislative acts, environmental sustainability is often pursued directly, whereas the other two are pursued indirectly or not at all, depending on which definition of sustainability is used as a point of departure. This study includes a literature review about "sustainability" as a concept and in particular a case study about the use of this concept in Finnish legislation and preparatory materials. The aim is to establish what type of conceptualization of sustainability is used in Finnish law drafting and what types of roles the different sustainability dimensions have in the preparatory materials that are employed. What emerges is that sustainability seems to be too unclear a goal to be directly pursued in all its dimensions through legislation. Instead of incorporating sustainability, in general terms, as the object of every legislative act, it is recommended that separate policy goals that promote particular aspects of sustainability should be pursued with specific individual laws.

Key words: Economic sustainability; Environmental sustainability; Social sustainability; Sustainability.

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1. Introduction

Discussion about issues related to sustainability dates back to many centuries ago and the word "sustainability" has been present in European languages since the early middle ages (de Vries, 2013). An example from 1713 documents a debate about using forests in such a way that wood would remain to be used in the future (Zorpas, 2014). The need to always keep the future in mind when acting today has been a key component in the development of sustainability discourse in the second half of the twentieth century – as in the Brundtland Report *Our Common Future* (UN, 1987). A further component has been questioning the consequences of the growth imperative underlying the dominant socio-economic paradigm, as in *The Limits to Growth* (Meadows et al., 1972). By the 1980s the term "sustainability" had begun to recur within academic discourse (Portney, 2015, p. 1). Today sustainability can arguably be called one of humankind's highest aspirations in the twenty-first century (de Vries, 2013), a part of everyday vocabulary, but in many ways the concept remains elusive and is hard to define (Zorpas, 2014). According to Washington (2015) there are over 300 different definitions of sustainability. As they are proposed, new definitions cover more and more dimensions and are broader in scope (Amini & Bienstock, 2014, p. 12). Chelan (2018) argues that the idea of sustainable development's most significant attraction is indeed its broad-ranging scope. Ben-Eli (2018) also suggests that the word has partly become a general idea of a desired continuity.

It is even hard to define sustainability science in general, since it is a vibrant area bringing together different fields and practices (de Vries, 2013). However, it has become increasingly clear that sustainability is something that goes well beyond the idea of environmental protection and preventing environmental damage (Portney, 2015). In the words of what is probably still the best known and most widely used definition, proposed in the 1992 Rio declaration, achieving sustainability requires achieving "economic, social, and environmental goals" (Zorpas, 2014, p. 3).

Several laws and policies aim to promote environmental protection or achieve other sustainability goals (Schmeichel, 2014). Regulation is often seen as necessary in order to bring about change in different actors' actions so as they become more sustainable (Schwarz & van Basten-Boddin, 2013, p. 80-81). Placing sustainability at the heart of government action is a huge challenge for law- and policymakers worldwide in several different areas (Witbooi, 2011). In this respect, one major obstacle to promoting sustainability through law and policies is that endeavouring to address problems regarding one sustainability issue can trigger other sustainability issues that require balancing or more regulation (Schmeichel, 2014). The role of sustainability in law and policymaking is thus as difficult to define as is the concept itself.

The goal of this study is to discuss how sustainability is seen in terms of law drafting in Finland and to investigate how the multiple dimensions of sustainability can be taken into account in law drafting. The principal research question posed concerns what type of conceptualization of "sustainability" is present in Finnish laws on the basis of the preparatory work done in formulating them. This research question initially focuses on how sustainability appears in the process of drafting legislation. Answering this question necessarily requires a literature review concerning the definition of sustainability, not only in legal studies but also in other fields such as social studies, economics, and environmental sciences. The way the concept is presented in the literature is then compared to how it is used in law drafting.

The initial literature review will be followed by an introductory description of the legislative drafting process in Finland. After this, I will present a case study where several preparatory stages of law drafting are analysed to determine how the concept of sustainability is used as a goal for legislation and how it is discussed. I will then offer a discussion of my findings and propose some conclusions.

2. Three dimensions of sustainability

The first principle of the 1992 Rio Declaration states: "Human beings are at the center of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature" (UN, 1992). Principles 4, 5, and 12 then identify three goals for sustainable development -

environmental, social and economic – and subsequently the focus in policies aiming to achieve sustainability has been achieving goals in these three dimensions (Zorpas 2014). The 1987 Brundtland Report defines these as follows: environmental sustainability is based on not living beyond world's ecological capacity; economic sustainability is based on economic growth which has the goal of being sufficient to meet the most essential needs of people; social sustainability is based on dividing this economic development equitably so as to fulfil the most essential needs for all (UN, 1987).

These dimensions are widely analysed in the sustainability literature. However, the environmental dimension gains the most attention in academic research, while the social dimension is often treated as a part environmental dimension, and the economic dimension is often left out (Papoutsi & ManMohan 2020). However, it is often noted that these dimensions are overlapping, and that for each of them there is the need to reach a desirable level of sustainability in order to achieve overall sustainable development (Ciegis & Martinkus 2009).

The environmental aspect of sustainability is generally treated as the one with the most significant challenges for legislators, involving climate change, pollution, and natural resource usage (Tortell, 2020). Environmental sustainability can be defined in a narrow way as using resources not to compromise future generations' use of resources (Moritz et al., 2018) and significant challenges in this respect arise from population growth and increasing consumption (Washington, 2015). Some authors state that continuous and long-term or even indefinite economic growth is necessary for sustainable development, since stagnation would endanger the fulfilment of some people's essential needs (Spangenberg, 2005). However, it has also been emphasized that growth endangers environmental sustainability due to increased consumption and usage of resources. At the same time, some state that de-growth endangers social sustainability due to increasing technology, which increases productivity, which generates unemployment if the economy is not growing (Jackson & Senker, 2011). It has even been argued that renouncing the goal of economic growth might be impossible due to how it increases people's well-being (Coyle, 2012). Others assert that with the current economic system, it is not possible to sustain economic growth for an increasing population without such growth being environmentally unsustainable (Jackson & Senker, 2011). Economic growth measured with current metrics, like GDP, cannot continue to grow without diminishing the well-being of future generations. (Coyle, 2012).

Economic sustainability has been defined as an economy that allows everyone to "have adequate food, shelter, clothing, and the other essentials to meet his or her basic needs for physical and mental development and well-being without diminishing the same opportunities in the future" (Ikerd, 2012, p. 1). Sustainability permits economic growth as long as beneficial effects offset harmful effects. (Lin & Zheng, 2017). Such economic growth must be based on human-made capital and less on other capital, like environmental capital, because this would lead to overuse of resources and therefore endangering environmental sustainability (Spangenberg, 2005). Creating income and stability without overusing capital resources is often considered central to the economic dimension of sustainability (Chelan, 2018). However, these include both natural and human resources and are therefore linked to the environmental and social dimensions (Spangenberg, 2005). In this sense, it is arguable that economic sustainability cannot exist without environmental and social sustainability.

It has been argued that overall sustainability is impossible to achieve without addressing people's and organizations' income needs (Bayramoglu *et al*., 2018). Income needs can cover people's most basic biological needs, or, in broader definitions, the income required so that organizations and people can continue their lifestyle or trade (Su & Cook, 2015). Some definitions of economic sustainability also cover, for example, fairness and equity of benefits distribution, employment and income-earning opportunities, and poverty alleviation in addition to most basic human needs (Qiu, 2019).

Economic sustainability can clearly be seen as incompatible with environmental sustainability. Policies that are adopted to address economic sustainability issues are often in conflict with environmental sustainability. Especially harmful is aiming to solve economic problems with increasing consumption (Washington, 2015). It is argued that people put themselves above the environment, even if they cannot prosper without its support (Crist, 2019). Some authors state that developing technology can uncouple economic growth and environmental pressure, allowing both a growing economy and sustainable use of the environment without changing consumption patterns (Smith,

Hargroves & Desha, 2010). This argument has been based on observations that some environmental impacts follow the *Environmental Kuznets-curve*, which means that when the economy grows, environmental impacts grow, but when the economy reaches a certain growth level, the environmental impacts start to diminish (Ekins, 2000). However, this position is criticized by other authors who argue that this cannot be the only solution since previous experience demonstrates how developing technology inevitably increases consumption (Kopnina & Blewitt, 2014).

Only some studies treat social sustainability as a separate concept (Papoutsi & ManMohan, 2020). The social aspect of sustainability is often linked to the impact of globalization on economic development, and more specifically in terms of poverty, income inequality, education, gender equality, and healthcare (Haugh & Talwar, 2010). In some definitions, social sustainability also covers workplace safety and employee satisfaction (Khan, Yu, Golpîra & Sharif, 2019). Some literature suggests that social sustainability should be divided into *basic* and *advanced*, where basic is defined as covering essential human needs and advanced deals with more detailed aspects (Mani, Gunasekaran & Delgado, 2018). Social sustainability is also often associated with developing economies and how companies act there due to their internationalized operations (Mani, Gunasekaran & Delgado, 2018). Some definitions of social sustainability have been criticized for being too economy-oriented instead of focusing on people's welfare (Aseeva, 2018). In its broadest sense, social sustainability is used to describe people's harmonic and conflict-free coexistence in a community (Leshinsky & Mouat, 2015).

From the perspective of companies as economic operators, the main factors in achieving social sustainability for organizations are those concerning human rights, salaries, safety, and health (Zorpas, 2014, p. 279). Social sustainability policies when operating in different countries are often conditioned by the desire to maintain good relations with stakeholders, including governments (Mani, Gunasekaran & Delgado, 2018). Another reason for adopting practices seen as socially sustainable is customer pressure, which forces companies to act in such a way as to avoid scandals and widespread negative publicity (Mani, Gunasekaran & Delgado, 2018). Legislation is often concerned with social sustainability, since protection of people’s rights and welfare is often one main reason for legislative acts worldwide (Burns, 2012).

Clearly the different stakeholders of businesses and other organizations are becoming more aware of the significance of social sustainability and its relationship to both environmental and economic dimensions (Mani, Gunasekaran & Delgado, 2018). Sustainability and corporate social responsibility are positively correlated with economic performance, encouraging organizations to adopt sustainable policies (Tomšič, Bojnec & Simčič, 2015). However, other studies show that this correlation only exists when companies advertise their sustainability efforts enough (Wagner, 2010). Environmental sustainability has the most vital positive links to the economic performance of a firm. Adopting environmental standards has increased labour productivity in several firms (Sánchez & Benito-Hernández, 2015). Risk reduction, increased efficiency, and other environmental sustainability factors also increase economic performance (Wagner, 2010). Environmental-friendly actions of private companies also reduce the cost of equity in several countries as a. significant part of investors are following sustainable investment strategies (Gupta, 2018). Moreover, some authors add the dimension of institutional sustainability, which is achieved when long-term financial, administrative, and organizational capacity is obtained (Witbooi 2011, p. 49). This perspective is common in areas where sustainability is closely linked to corporate social responsibility (Schwarz & van Basten-Boddin, 2013, p. 4).

3. Linking policy and laws making to sustainability dimensions

While the three dimensions of sustainability that are generally identified and characterize much of sustainability literature are clearly intersecting, the following table summarizes how they are presented in terms of the different perspectives proposed. The differences can then be used to analyse policy and law-making processes.

Dimension	Narrow	Broader	Broadest
Environmental	Using resources in a way that does not compromise the use of resources for future generations	Preventing climate change prevention and mitigating pollution	Protecting the environment, giving the environment its own value, improving and developing the environment
Economic	Generating income that is enough for fulfilling essential needs without diminishing the same opportunities in the future	Income and stability generation without overusing capital resources. Providing income required so that organizations and people can continue their lifestyle or trade.	Creating income and stability without overusing environmental and human resources. Providing fairness and equity of benefits distribution, employment and income-earning opportunities. Alleviation of poverty
Social	Fulfilling the most basic human needs for all.	Providing fulfilling salaries, safety, health, education, gender equality, and healthcare. Preventing poverty and income inequality.	Promoting harmonic and conflict-free coexistence of people in a community and good relations with stakeholders

Table 1. The different dimensions of sustainability and the perspectives proposed

As they are presented in the majority of sustainability literature, most of these definitions do not offer any operational guidelines for policy design or organizational policies (Ben-Eli, 2018). However, governmental actions, as well as private actions, are required to reach environmental sustainability (van Rijswick, 2012). Policies can promote firms' environmental sustainability if they create economic incentives to increase environmental protection (Nishitani, Kaneko, Fujii & Komatsu, 2012). The economic benefits of adopting environmental-friendly policies are also strongly dependant on the political and legislative climate. Laws are needed to create incentives and create a context where private actors reward each other for a sustainable *business* (Gupta, 2018). Regulation can be seen as a necessity in order to achieve, for example, in ensuring sustainable use through common pool resources (Moritz et al., 2018).

Adopting single, all-encompassing sustainability laws is problematic since they would need to be adaptive, dynamic, and changing as our information about the earth and global ecosystem changes (Kim, 2016) and current legal systems do not easily permit this. Sustainability as a principle is most likely to affect legislation if narrow goals are set so that they can be changed by the political process and how our views of sustainability change. The Rio declaration was divided for several principles which were more or less specific as to how sustainability should be achieved. For example, principle 13 states that national law should make it possible to apply compensation for environmental damages and pollution.

Different dimensions of sustainability have for some time by now been impacting policymaking and practises in several countries (Heinrichs & Laws, 2014). There are several indicators which can be used in order to analyse the sustainability of current policies and situation (Ollivier & Giraud, 2010), and achieving sustainability goals clearly requires policy impact assessment (Czaika & Selin, 2017). Sustainability is measured using the methods of natural and social sciences, and therefore policy creation requires close science-policy interactions (Turnheim, Asquith & Geels 2020). This means that science can help create indicators of how policy affects many different dimensions measured on a short- and long-term basis, but policymakers still have to make targets and choices on how the policy will be implemented and how it will balance a number of diverse interests (Borgnäs 2016).

Sustainability impact of policy must clearly be based on a range of indicators (Ollivier & Giraud, 2010). Even where sustainability as a policy goal and specific sustainable policies are amply discussed,

they can still have a limited impact in term of policy implementation and administrative practises (Heinrichs & Laws, 2014). Increasing sustainability requires an overall understanding of complex problems during decision making processes (Heinrichs & Laws, 2014). Uninformed policymakers can implement policies that have quite different effects on sustainability from those they desired (Czaika & Selin, 2017). Without proper use of scientific information in policymaking, policymakers may well not be even aware of some sustainability issues (Turnheim, Asquith & Geels, 2020).

Difficulties in measuring sustainability have led to a situation whereby a limited number of key indicators are chosen and pursued through policies (Borgnäs, 2016). Identifying indicators, gathering data and carrying out impact assessment greatly increase the workload of administrative processes, and this reduces the focus to specific aspects of a given policy (Stritch et al., 2020).

4. Drafting laws in Finland

According to the Finnish Constitution (1999), legislative power belongs to parliament. The same article includes the threefold division of power. However, as parliament does not have institutions capable of drafting laws itself, its actual legislative powers are quite restricted (Jyränki & Husa, 2012). The constitution does not regulate the law drafting process itself. Rights for initiating legislation are given to the Council of State, practically meaning the governing parties and members of parliament. Actual law drafting takes place within a ministry responsible for a given administrative branch, or a committee established for law drafting.

After the draft of the bill has been finished, the relevant ministry asks for opinions concerning the bill from different stakeholders (Hautamäki, 2014). The bill is then modified on the basis of these opinions. After this, the draft of the law is passed to the relevant parliamentary committee as a governmental bill (Jyränki & Husa, 2012). In a parliamentary committee, all parliamentary parties are represented, and the Committee's task is to formulate parliament's opinion about the bill. (Jyränki & Husa, 2012). It is common for the committee to gather opinions from different stakeholders and experts (Keinänen & Lehtoviita 2014). After receiving the committee’s opinion, the ministry can make changes to the bill to ensure that pass through the parliamentary voting process.

The governmental bill sent to the parliamentary committee should already include an impact assessment of the law when implemented (Slant, Rantala & Kautto, 2014). Recent developments have increased the significance of legislation's impact assessment (Slant, Rantala & Kautto, 2014). Law drafting has become a professionally organized action that is based on information, expertise, and knowledge-based decision making (Jyränki & Husa, 2012). Impact assessment is done in the ministries, and the parliamentary committee and hearings of different stakeholders and experts have a significant role in this process (Ahtonen & Keinänen, 2012). On some occasions, impact assessment has covered the legislation's social, economic, and environmental impact (Määttä & Tala, 2015), thereby dealing with the dimensions most often associated with sustainability. However, some argue that impact assessment should be broader and cover a wider range of issues (Keinänen, 2010).

Economic impact assessment is most often carried out and is considered to be the highest in quality, although also the hardest to assess (Keinänen & Vuorela, 2015). The economic impact is assessed in more than half of governmental bills, while environmental impact is assessed in one-tenth of bills, and the social impact even less (Pakarinen, 2012). This is indeed similar to the overall situation in the European Union (Määttä & Tala, 2015). At the same time, a fundamental legal draft principle is that laws are prepared so as to not conflict with the constitution, which makes clear reference to responsibility for the environment:

> Nature and its biodiversity, the environment and the national heritage are the responsibility of everyone. […] The public authorities shall endeavour to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence the decisions that concern their own living environment (Chapter 2, Section 20).

On several occasions, this has been interpreted as an obligation to assess sustainability issues while drafting laws and ensure sustainable development, at least in its environmental dimension, while legislating (Ministry of Justice, 2013), even though the constitution does not make direct reference to

sustainability. In the following case study, the focus will be on environmental sustainability, although economic and social sustainability issues are also addressed in laws relevant to those dimensions.

5. Case study

The following case study analyses seven laws in Finland to examine how they discuss sustainability and how broadly the concept is used. The laws are related to each sustainability dimension: economic, environmental, and social. Looking at the preparatory work we can see whether and how sustainability was discussed and used as a goal or reasoning for the law, although we cannot always be sure what the lawmakers' real intentions were. The aim is to consider how the word "sustainability" is used during preparatory work and look at the goals and estimated impacts of the law and how they relate to different sustainability definitions in Table 1.

In Finland, national guidelines on how to assess the impacts of the legislation (Oikeusministeriö, 2008) identify four impact types that should be assessed while drafting laws: 1) Economic impact, 2) Impact on public administration, 3) Environmental impact, and 4) Social impact. Economic impacts cover, for example, income issues, costs for businesses, the functionality of the market, resource allocation, competition, and economic development. These fall mostly under the broader and broadest definition of sustainability as the current state of the economy seems to enable income that allows fulfilling the most basic human needs. Environmental impacts cover the use of natural resources, emissions, traffic, human health, and impact on nature and the built environment. These fall under all levels of the breadth of sustainability definitions as the use of natural resources is one of the most fundamental parts of sustainability, impact on the built environment and traffic fall under the broadest definitions, and others fall somewhere in between. Social impacts cover fundamental rights, due legal process, political participation, well-being, equality, labour market, crime, security, regional development, and the information society. These all also cover all levels of the broadness of sustainability. Impact on public administration is mostly related to resources used by public administration and is difficult to link to any sustainability category.

Since the term was first coined, environmental sustainability has been linked to resolving conflicts related to using natural resources. Due to this, laws related to the environmental dimension of sustainability were partly chosen based on purpose to address this conflict. Although, for example, the goal of the Mining Act and The Fishing Act is promoting the use of natural resources (Forss, 2011), they do also aim at resolving conflicts related to how these resources are used, including the perspective of sustainable use (Similä, 2016). The seven laws examined below were analysed in terms of their significant intended impact on a specific sustainability dimension and also their significant overall impact. The laws were also chosen on the basis of the impact assessment required for them. All these laws come after Finland joined the European Union in 1995 and EU regulation has affected some significantly. The laws examined are:

- Economic dimension: The Competition Act (948/2011), The Limited Liability Companies Act (624/2006)
- Environmental dimension: The Fishing Act (379/2015), The Mining Act (621/2011), The Waste Act (646/2011)
- Social dimension: The Legal Aid Act (257/2002), The Social Assistance Act (1412/1997)

The documents analysed varied in length. The longest, the Mining Act, was some 270 pages. However, the relevant part for the study was shorter, as significant parts of the government proposals were detailed explanations of single paragraphs, international comparison and reference to current legislation. Therefore, the relevant parts were the introduction, the stated goals, and the impact assessment. The introduction often included general goals of the legislation. For example, the beginning of the Mining Act states that "the proposal aims to secure possibilities for mining operations in a socially, economically and environmentally sustainable way" (Introduction).

The texts chosen were analysed to identify mentions of sustainability or issues related to sustainability and the relevant dimensions. These were then examined in terms of their specific contexts, their relationship to the literature, and how closely they were linked to sustainability.

The Competition Act

The primary material for analysis was the government bill for a Competition Act (HE 88/2010 vp) and the Economic Affairs Committee's statement (Talousvaliokunnan mietintö 50/2010 vp Hallituksen esitys kilpailulaiksi). Only the economic impacts of the act were assessed. Sustainability itself was not assessed explicitly. However, the act's stated goals are similar to aspects related to the broad definition of economic sustainability. Preparatory materials mention several goals that are closely linked with broader definitions of economic sustainability. However, in the economic impact assessment Chapter 4.1, it was stated that the law would improve the functioning of the market. In Chapter 4.2, it was stated that the law would directly or indirectly affect all undertakings in Finland. In Chapter 4.2, it was also mentioned several times that law would improve undertakings' rights for due process, which was a point highlighted in the committee opinion (p. 4). It was also stated that the law would enhance competition, increase productivity, and market effectiveness, and all obstacles to competition should be removed if there is no valid reason for them to exist (p.3).

The market's functioning is considered as part of economic sustainability, understood broadly as sustainable income in order to continue operations long-term. This requires the assumption that free competition and functional markets are better for undertakings and people, a market-economy-oriented policy. The functioning of the market is indeed a vague concept, as effectiveness can be defined in several ways (Määttä, 2009). If economic sustainability is understood narrowly to be merely sustainable income to satisfy the most basic biological needs, history shows that that can be achieved without particularly efficient markets, and improvement for Finland's current situation was probably not necessary in that sense. In any case, the Competition Act deals with issues related to broad definitions of economic sustainability.

The Limited Liability Companies Act

The analysis was based on the government bill for a Limited Liability Companies Act (HE 109/2005 vp) and the opinion expressed by the Economic Affairs Committee (talousvaliokunnan mietintö 7/2006 vp Hallituksen esitys uudeksi osakeyhtiölainsäädännöksi). This act does not directly mention sustainability or social and environmental impacts. However, issues related to broader definitions of economic sustainability were discussed in the preparatory materials.

The main reason given for the law was to increase alternatives for LLC:s to give as good as possible opportunity for honest business by increasing market effectiveness and competitiveness and reducing uncertainty derived from regulation (p.16-17). In the impact assessment chapter 3.1 of the bill, it was stated that giving more alternatives to companies would increase the effectiveness in companies and, therefore, in the whole economy as well as increasing international competitiveness. In the same chapter, it was stated that the law also aims not to increase creditors' uncertainty as it would be harmful to the economy when financial costs would rise. It was also stated that small LLCs' conditions for continuing operations are vital for society (p.4).

The Fishing Act

The primary material for analysis were the government bill for a Fishing Act (HE 192/2014 vp), the opinion of the Committee for Agriculture and Forestry (CAF) (Maa- ja metsätalousvaliokunnan mietintö 31/2014 vp Hallituksen esitys eduskunnalle kalastuslaiksi ja eräiksi siihen liittyviksi laeiksi) and the opinion of the Environmental Committee (Ympäristövaliokunnan lausunto 26/2014 vp Hallituksen esitys eduskunnalle kalastuslaiksi ja eräiksi siihen liittyviksi laeiksi). This Act does differ from the previous ones, as in the bill (p. 1), CAF opinion (p. 3)and the EC opinion (p. 2) it is directly stated that the law aims to set usage of fish stocks in a way that is environmentally, economically and socially sustainable. Sustainability is indicated directly as a goal and a reason for the law.

Environmental sustainability is stated to mean using fish stocks in a way that will not diminish them in the long run, as in the narrow environmental sustainability definition (p.16). The EC opinion defines environmental sustainability in the same way (p. 2) and adds that ecological sustainability is the most problematic aspect. This is probably why the narrowest definition was used when stating the

law's goal, since this is already difficult enough to achieve. The CAM states that, although the bill balances different interests related to fishing, it gives most weight to improving the environmental sustainability of fish stocks and fishing activity (p.4). The social and economic dimensions of sustainability were not significantly dealt with. One goal of the bill was to benefit commercial fishing and recreational fishing (p. 17). The law's economic impacts were analysed (p. 20-21), and they were principally concerned with improving operating conditions of commercial fishing. However, the CAM sees these changes as necessary for commercial fishing to continue the existing sustainable way (p. 7). This is also part of the broad definition of economic sustainability. Social impacts were analysed (p. 23-24), principally in terms of making recreational fishing slightly easier to practice, something which is difficult to link to sustainability even in broader definitions. The CAM sees some changes necessary to improve employment in rural areas with high unemployment (p. 9). This can be seen to include some elements of a broader definitions of social sustainability.

Although the Fishing Act claims to consider all the sustainability dimensions, it mostly focuses on environmental sustainability and other sustainability dimensions are concerned with enabling fish resource use. It even seems that economic and social sustainability could entirely derive from environmental sustainability, a perspective supported by some literature. Economic sustainability is taken into account to some extent if understood broadly, as with previous laws, but social sustainability issues are quite hard to find even in terms of a flexible definition.

The Mining Act

The primary material for analysis were government bill (HE 273/2009 vp), opinion of the economic affairs committee (Talousvaliokunnan mietintö 49/2010 vp Hallituksen esitys kaivoslaiksi ja eräiksi siihen liittyviksi laeiksi) and the opinion of environmental committee (Ympäristövaliokunnan lausunto 7/2010 vp Hallituksen esitys kaivoslaiksi ja eräiksi siihen liittyviksi laeiksi). In the government bill (p. 1), the EAC opinion (p. 2) and the EC opinion (p. 2) it is stated that “The objective of the Act is to promote mining and organise the use of areas required for it, and exploration, in a socially, economically, and ecologically sustainable manner”. This became article 1 of the law.

Social sustainability was used mostly when understood broadly enough. It was indirectly mentioned through indigenous peoples' rights to the traditional cultural environment (p. 27). In EAC opinion, part of the committee objected to the law (p.35). They saw that the law would lead to consuming non-renewable natural resources without compensating it to locals and improving social and economic conditions in rural areas, mostly unemployment. This can be seen as a concern of economic and social sustainability while using natural resources. These opinions do also cover some aspects related to broader definitions of social sustainability.

In the bill, sustainable development is referred to mostly as environmental sustainability, covering things related to narrow and broad definitions of environmental sustainability (p. 44). The bill also states how it aims to take account of economic and social sustainability (p. 47-48). The EC noted only environmental sustainability (p.2). The EAC also notes how the law would improve mining operations' national utility, which could be seen in the broad definition of economic sustainability.

The Mining Act does take sustainability issues into account more often and from more dimensions than other acts analysed. Environmental issues were analysed most. However, economic and social sustainability impacts were noted and documented, although social sustainability effects were somewhat unclear and indirect. Economic sustainability impacts were analysed in terms of the national utility of operations. In addition to this, employment issues were considered, although these are in fact more related to sustainability's social dimension. The act does take different sustainability dimensions into account, much more than other laws and is the one where the social and economic dimensions of sustainability were discussed the most.

The Waste Act

Primary materials for analysis were the government bill (HE 199/2010) and opinions of the EC (Ympäristövaliokunnan mietintö 23/2010 vp YmVM 23/2010 vp - HE 199/2010 vp) and the EAC (Talousvaliokunnan lausunto 30/2010 vp TaVL 30/2010 vp - HE 199/2010 vp). The governmental bill

(p. 6) mentions that act aims to promote sustainable development by promoting natural resources' smart use and preventing harm caused by the waste. However, this act does mostly cover issues related to the broad definition of environmental sustainability. In the EC opinion (p. 4), a sustainable development strategy is related to several environmental impacts of the act. The bill that sustainable use of resources is one main goal of the act (p. 53) and this subsequently became article 1. The same goal was also referred to several times by the EAC and the EC. This is part of the narrow and core definition of environmental sustainability. Social impacts were not assessed at all. Economic impact assessment is dealt with (p. 48), leading to the conclusion that the act does not have any impact on companies' operating conditions.

Although there are some references to sustainability in the bill, these mostly focus on environmental issues, which is constantly used more narrowly than other sustainability dimensions. Economic issues are assessed to some extent and understood more broadly. The social dimension of sustainability can be linked to the fact that using resources so that future generations can enjoy them can be considered part of social sustainability, as with the Mining Act. However, this is not specifically referred to.

The Legal Aid Act

Primary material for analysis was the government bill (HE 82/2001 vp) and the opinion of the judiciary committee (Lakivaliokunnan mietintö 22/2001 vp LaVM 22/2001 vp - HE 82/2001 vp). Although the bill mentions more practical points as the law's goal (p. 48-49), more fundamental social issues are addressed concerning international treaties and fundamental rights requirements (pp. 24-25). The right to a fair trial requires free judicial assistance where necessary. How the law would affect several groups' fundamental rights by significantly widening the group entitled to legal aid is assessed (pp. 74-75), making it more a general civil right than a right entitled to financially disadvantaged people.

Sustainability itself is not mentioned in the bill or the opinion. However, fundamental rights are mentioned several times, and these are part of social sustainability according to narrow and broad sustainability definitions. Although the law does not directly pursue social sustainability, it is likely to increase social sustainability if social sustainability is understood to cover endorsing fundamental human rights. As with a number of other laws, linking social sustainability to the goals of the law requires a broad definition of sustainability.

The Social Assistance Act

The Primary material for analysis was the government bill (HE 217/1997 vp) and the opinion of the Social and Health Affairs Committee (Sosiaali- ja terveysvaliokunnan mietintö 33/1997 vp StVM 33/1997 vp- HE 217/1997 vp). In the bill, it is stated that social assistance is based on the fundamental right to a basic livelihood and that its lack is unsustainable (pp. 11-12) and the HA Committee agreed with this (p. 2-3). The bill briefly assessed how changes in the law would affect how the right to a basic livelihood (p. 15).

The Social Assistance Act is linked to sustainability in similar way to the Legal Aid Act. Both aim to endorse fundamental human rights, which are core parts of social sustainability. The Social Assistance Act focuses even more on basic needs, mostly the need for a basic livelihood. This can be seen to be part of economic sustainability, in that it is related to a necessary income. At the same time, a basic livelihood includes satisfying both physiological and social needs. This can be understood as part of both economic and social sustainability if broad enough definitions are used. As in other cases, social sustainability is not introduced in itself, but rather as related to environmental sustainability, which only includes social sustainability if understood broadly enough.

Summary

Analysis shows that sustainability is most discussed in the context of laws that have an environmental focus. At the same time, preparatory work often includes several mentions of environmental, economic, and social sustainability dimensions, especially as regards laws that regulate using natural

resources. On these occasions, sustainability's environmental aspect is defined quite narrowly and used as in its core meaning. The economic and social dimensions of sustainability are, however, used more broadly. It seems that economic sustainability is overally considered more broadly, as narrow definitions were not used in any preparatory work analysed. This was consistent with laws that had environmental focus as well as with laws that have economic focus. However, laws with economic focus did not implicitly use the term "sustainability". Some issues related to the narrow definition of social sustainability were dealt with in the laws related to social security and other fundamental human rights. However, the term "sustainability" was not implicitly mentioned here. It is necessary to note that laws with most impact assessment were all laws from years 2011-2015, as awareness emerges of sustainability as an increasingly key issue. However, as these laws with environmental impacts typically have the highest quality impact assessment, the period in which they are passed should not make that much difference compared to other laws analysed (Keinänen & Vuorela, 2015, p. 189).

Dimension	Narrow	Broader	Even broader
Environmental	Mining act, Fishing act	Waste act	
Economic	-	Competition act, Limited liability companies act, Fishing act	Competition act, Limited liability companies act, Mining act, Waste act
Social	Social assistance act	Legal aid act	Fishing act, Mining act

Table 2. How different dimensions of sustainability were mentioned in preparatory works of different laws

6. Conclusions

There are several definitions of sustainability. The concept itself has a long history, and it has played a significant role in several declarations and policy documents. However, as time passes, the concept risks becoming blurred as more definitions appear and older ones are challenged. Most definitions of sustainability include three dimensions: environmental, economic, and social sustainability. There are also several definitions of these three dimensions, which differ significantly. When discussing these dimensions, it must be noted that some definitions are significantly broader than others. For example, some narrow definitions of economic sustainability only include income that provides the most basic physiological needs like food and shelter. Broader definitions of economic sustainability can mean that income is enough to continue operations or trading in the long term.

The environmental dimension of sustainability is the one used most often. Other dimensions are often defined by their relation to environmental sustainability. The role of environmental sustainability has been most significant in several policies. Especially in natural resource use, environmental sustainability has played a significant role in previous literature. Even in quite new legislation, environmental sustainability still has a significant role when regulating the use of natural resources. Although sustainability has its role in reducing the environmental impact of several functions, i.e., waste handling, it still plays a significant role in use of natural resources, even if trends like circular economy are emerging and becoming increasingly important.

Policies, like legislative acts, have a significant role in achieving sustainability. Policies are a tool that can direct the behaviour of individuals and organizations towards a more sustainable trajectory. Most literature is focused on companies and how their actions affect sustainability and how policies affect those companies. Several market incentives are aimed at altering companies' operations with a view to promoting sustainability.

Although sustainability can be considered a base requirement for societies' and human beings' existence in the long term, the extent to which as a concept it can be the basis for policy is an open question. When analysing several laws, it seems that this is also apparent in the process of law drafting. As sustainability is a broad concept without exact definitions, it is difficult to incorporate it into legislation because an impact assessment for a law should be more exact. In this respect, it might be

better to derive single and specific policy goals rather than aim for overall sustainability. These policy goals could, for example, best promote a single dimension of sustainability like environmental sustainability, such as pursuing reductions in pollution and waste or better protection of nature.

In some cases, linking policy goals to sustainability can be problematic. In economic sustainability, most narrow definitions are linked to income enough to satisfy the most basic physiological needs. In Finland, this was achieved more than a hundred years ago. Going beyond this means regulating markets and businesses in order to improve operating conditions and improve people's welfare. This is included in broader definitions of sustainability, but not in more narrow ones. Similar issues are involved with social sustainability as some definitions are based only on most fundamental human rights like freedom, health, and life. However, broader definitions do even include workplace satisfaction and other aspects of wellbeing much higher in the needs hierarchy.

The results of the case study are in line with one outcome of the literature review in that environmental sustainability is discussed the most, and other dimensions are either linked to it or not discussed at all. Where sustainability is referred to, it is normally not clearly defined and is used differently depending on the context. As regards questions of economic and social sustainability, the word "sustainability" itself is not used, although the rationale for the laws includes several policy goals related to economic or social sustainability if these are defined broadly.

For example, enabling operations in the long term can be seen as promoting economic sustainability, even if there is no explicit reference to this. In economic sustainability, the goal is often to improve firms' operating conditions and significant competition in the market, often mentioned as base requirements for welfare generation in market economies. In social sustainability, laws have goals that might not be related to the most fundamental human rights, but to specific rights like the right for a fair trial or right for socially acceptable living.

In environmental law, the word "sustainability" often refers only to the environmental dimension of sustainability. The other two dimensions are often mentioned as regards the use of natural resources, but the contents are left unclear. The environmental dimension of sustainability is often dealt with more deeply, and environmental impact assessment addresses sustainability issues. In some cases, social and economic sustainability are linked to this, but not dealt with separately. The overall economic dimension of sustainability is not directly discussed in preparatory works, but smaller goals in line with achieving economic sustainability can be present.

When comparing how broad a definition of sustainability is used in different laws, a clear pattern emerges. When discussing environmental sustainability, a narrow definition is often used. In the case of economic sustainability, only broader definitions are used. In cases where laws have social goals, the goals are in the core area of social sustainability, but broader definitions are used when laws include some other goals. Economic and social sustainability are often implicitly present when the law has an environmental goal.

Sustainability is clearly a base requirement for humanity and its continuing existence on the planet we inhabit. At the same time, it is not an easy overall goal for legislation, due to a common lack of clarity in defining it as a concept. An analysis of Finnish legislation shows how awareness of the importance of sustainability acts as a basic principle, affecting how the laws were formulated. At the same time, laws need to have exact goals so that their impact can be assessed in terms of specific dimensions and examples of sustainability.

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