

NGOs and Global Business Regulation of Transnational Alcohol and Ultra-Processed Food Industries

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Abstract

The intensification of efforts by state and nonstate actors to address issues affecting global health has produced a patchwork of transnational regulatory governance. Within this field, nongovernmental organizations (NGOs) are expected to perform authoritative roles in holding business actors to account and enhance the democratic legitimacy of institutions via their participation in governance processes. While there exists a large body of conceptual and empirical research on global business regulation and private authority, we surprisingly know little about the governance functions of NGOs engaged in influencing the practices of corporations that produce health-harming commodities. This knowledge gap is especially pronounced in the issue area of noncommunicable diseases. This article begins to address this gap by mapping the networks of NGOs that engage in regulatory activities (rule-setting, monitoring, and enforcement) related to the (ultra)processed food and alcohol industries. We identify the networks of NGOs involved in global policy making across health, regulatory standards, and multistakeholder initiatives using nonstate actor submissions to consultations held by World Health Organization, UN Codex Alimentarius Commission (Codex), and the UN Global Compact. This paper examines NGO governance functions and their patterns of engagement and participation across institutional spheres. Overall, the article makes a twofold contribution to existing debates. First, we identify the governance functions through which NGOs attempt to hold corporations to account, contrasting their “watchdog” function with other governance functions. Second, we examine the representation of NGOs, highlighting asymmetries in participation of NGOs in the Global North and South.

Keywords: global health, authority, advocacy, non-governmental organisations

In recent years, efforts by state and nonstate actors to address social and environmental issues through global initiatives have intensified, producing a complex patchwork of institutional arrangements operating within and across multiple levels of governance (Abbott, 2009; Abbott et al., 2017; Bartley, 2011, 2022; Bernstein & Cashore, 2007; Cashore et al., 2021; Eberlein, 2019; Eberlein et al., 2014; Marques &

Eberlein, 2020). Within the field of global health, actions to address noncommunicable diseases (NCDs) (chronic diseases such as cardiovascular diseases, cancers, and diabetes) are increasingly governed through interaction between states, international organizations (IOs), and nonstate actors, with non-governmental organizations (NGOs) and business actors engaged in policy making. Like other global policy domains, such as energy and climate change (Bäckstrand et al., 2017; Green, 2017, 2013), interactions between state and nonstate actors have often taken the form of multistakeholder initiatives and private governance schemes (such as standards, codes, and rankings), with the notable exception of tobacco.

This proliferation of governance has led to an expanded role for nonstate actors in regulatory initiatives, underpinned by an assumption of collective responsibility between state and nonstate actors for the setting, application, and implementation of rules (Börzel, 2011). With the notable exception of the World Health Organization (WHO) Framework Convention on Tobacco Control (a legally binding instrument that requires interactions with the tobacco industry to be minimized), the increasing reliance on nonstate actors within transnational governance has been conceptualized as a turn to “soft” forms of regulation (Garsten & Jacobsson, 2013; Mörtz, 2004) that are not legally binding but instead depend on voluntary compliance. There is often an expectation within political science and international political economy literatures that NGOs will exercise particular forms of authority in global governance, holding business actors to account through monitoring and reporting (in)compliance with regulation (Black, 2008; Koenig-Archibugi & Macdonald, 2013). This accountability role has become prominent in the regulation of industry sectors where the practices of business actors can have damaging environmental and health impacts (Djelic & Sahlin-Andersson, 2006; Green, 2013; Storeng & de Bengy Puyvallée, 2018; Verbruggen, 2013). In addition, NGO participation in transnational governance is often associated with democratic representation, in which their input and participation are linked to institutional and political legitimacy (Bäckstrand, 2006a; Scholte, 2007, 2004; Tallberg et al., 2016). Yet, while the importance of NGOs within the transnational governance is widely accepted, there are significant gaps in knowledge about the advocacy strategies and governance functions used to shape the behavior of industries that produce health-harming commodities. While studies have explored the role of NGOs in the formation of the WHO Framework Convention on Tobacco Control and WHO/UNICEF International Code of Marketing of Breastmilk Substitutes (Andia & Chorev, 2017; Collin et al., 2002; Friel, 2021; Gómez, 2018; Lencucha et al., 2012; Smith et al., 2016), much less is known about advocacy strategies targeted towards other industries, and specifically transnational corporations that produce and market alcohol and ultra-processed food (highly palatable convenience products made from processed ingredients such as sugar, oils, salt, and hydrogenated fats). This includes several of the world’s largest and most profitable companies, including Nestlé, the Coca-Cola Company, and AB InBev, which individually and collectively exercise substantial political and market power (Friel et al., 2021; Gilmore et al., 2023; Hawkins et al., 2018; Sell & Williams, 2020; Wood et al., 2021). The global food system is shaped by the higher profits that are made from manufacturing and marketing ultra-processed foods, due to their durability, convenience, and hyperpalatability compared to fresh or minimally processed foods (Monteiro et al., 2013; Moodie et al., 2013). Similarly, the revenues and profit of transnational alcohol corporations depend on maximizing sales of alcohol products through brand marketing and availability (Hawkins & Holden, 2013; Jernigan & Ross, 2020). As such, global producers of ultra-processed food and alcohol play an increasingly critical role in driving the global burden of disease, contributing to NCDs such as diabetes, heart disease, and cancer (Watkins et al., 2022). The political economy of these global economic sectors is characterized by “soft” modes of regulation that attempt to address the harms and health impacts of ultra-processed food and alcohol through corporate self-regulation and multistakeholder approaches, in which NGOs are envisaged to play an important role in holding corporations to account.

This paper is a step towards understanding the network of NGOs engaged in global governance for health, and the governance functions and roles they reportedly perform in the transnational regulation of the ultra-processed food and alcohol industries. We ask a set of exploratory questions: Who are the NGOs engaged in regulatory and governance processes related to these industries? What are the governance functions of NGOs? Which actors participate and how is NGO representation distributed in this governance field? To address these questions, we explore the network of NGOs involved in policy making across health, regulatory standards, and multistakeholder sustainability initiatives, focusing on the WHO, the UN Codex Alimentarius Commission (Codex), and UN Global Compact. These sites were chosen because they play an important role in “orchestrating” (Abbott & Snidal, 2010; Bäckstrand &

Kuyper, 2017) nonstate actor engagement (including NGOs) in regulatory governance related to alcohol and processed food. We analyze the NGO network according to two core concepts of global governance: accountability and participation (Bäckstrand, 2006b). Overall, the article makes a twofold contribution to existing debates. First, we identify the governance functions through which NGOs attempt to hold corporations to account, contrasting their “watchdog” function with the use of other governance functions. Reflecting on the findings of other studies on NGO strategies (Dellmuth & Tallberg, 2017), we find that NGOs use strategies that target both private actors and IOs, in which watchdog accountability practices are deployed in combination with attempts to influence corporate behavior in the political sphere. Second, the article examines the representation of NGOs across these spheres, highlighting the asymmetries in participation of NGOs in the Global North and South.

The paper proceeds as follows. The first section sets out the analytical approach, defining key terms and concepts and their applicability to this field of transnational governance. The next section describes the methods, explaining how the dataset was constructed using a typology of NGOs based on organizational form, mandate, and governance function[s]. The third section provides descriptive statistics about the network, with the fourth considering the implications for the legitimacy and effectiveness of this field of global governance.

NGOs in transnational governance

Nonstate actors have become a permanent fixture in global governance, indicated by the proliferation of “soft” modes of regulation that bring together public, private, and civil society actors to shape, make, and implement policy and practice (Mörth, 2004; Skelcher, 2005). The shift to “soft” regulation is visible in the emergence of public–private governance arrangements, such as multistakeholder platforms and partnerships (Bexell & Mörth, 2010; Schäferhoff et al., 2009), in which nonstate actors take on responsibilities for rule-setting as well as their implementation. The emergence of soft regulation is evident across multiple fields, particularly in climate governance where multistakeholder approaches are widely presented as a solution to global challenges of environmental degradation. For example, the UN Framework Convention on Climate Change (UNFCCC) hosting public–private partnerships as an instrument to reduce greenhouse gas emissions (Bäckstrand et al., 2021), and the widespread adoption of certification schemes and standards in areas such as forestry, fair trade, and labor standards (Bartley, 2010; Hysing, 2009; Reinecke et al., 2012). The voluntary nature of soft forms of regulation means that implementation depends on authority beyond the state, in which governance arrangements are structured around reputation and trust as mechanisms of accountability (Busuioc & Lodge, 2017). This reflects the neoliberal rationalities of soft modes of regulation, where certification schemes, standards, and rankings are constituted as markets that govern the conduct of private actors (Djelic & Sahlin-Andersson, 2006).

The expansion of soft regulation has led to a focus on the role of NGOs in regulatory enforcement, monitoring industry compliance with agreed norms, rules, and standards (Eberlein et al., 2014). This envisions NGOs as watchdogs of corporate behavior, based on the assumption that noncompliance with voluntary standards and codes is associated with the reputational risk and the threat of negative publicity for corporations (Koenig-Archibugi, 2004; Lee, 2010). This role by NGOs has been conceptualized as a kind of “proxy accountability” (Bovens, 2007; Koenig-Archibugi & Macdonald, 2013), in which NGOs hold business actors to account by increasing the political salience of an issue, creating market-based incentives for compliance through consumer and/or public pressure (Héritier & Eckert, 2008). NGOs may decide to exercise this accountability role using “inside” market strategies, in which they participate directly in multistakeholder platforms and private governance schemes, or rely on “outside” market strategies that pressure companies indirectly through public campaigns (Bartley & Child, 2014; Colli & Adriaensen, 2020). For example, NGOs acting as watchdogs within certification schemes such as the Forest Stewardship Council (FSC) or through noisier forms of activism, as in the case of boycotts of Nestlé, over its marketing of infant formula (Lee, 2010; Pattberg, 2005; Sasson, 2016; Sikkink, 1986). In addition to market-oriented strategies, NGOs also engage with governmental and international organizations, *inter alia*, through informational strategies that attempt to increase the political salience of corporate behavior.

Methods

We constructed a dataset of NGOs that are engaged in regulatory and governance processes related to ultra-processed food and alcohol industries. To create this dataset, we identified organizations active (or recently active) in spheres relevant to the regulation and governance of these industries, focusing on health, regulatory standards, and private governance schemes. Specifically, the dataset is based on NGOs that engage with the WHO, Codex, and UN Global Compact. The rationale for this approach is that these international organizations are key “orchestrators” of global governance through various multi-stakeholder platforms, forums, and committees, bringing nonstate actors into regulatory and policy processes. First, the WHO is the UN autonomous agency mandated as the directing and coordinating authority on global health (Taylor et al., 2014), engaging nonstate actors through open consultations and meetings on NCDs and health-harming commodities, and through its Global Coordination Mechanism (GCM): an instrument developed by WHO to facilitate multistakeholder engagement and cross-sectoral collaboration on the prevention of NCDs. Codex is a multilateral UN institution that administers the Joint Food and Agriculture Organization (FAO) and WHO Food Standards Program, which the World Trade Organization recognizes as the relevant institution for setting food standards. Codex brings together members states with intergovernmental and NGO “observers” that participate in standard-setting processes. While Codex is typically associated with food safety, it actively works on regulatory issues linked to NCDs, including nutrition and alcohol labelling (Barlow & Thow, 2021). The UN Global Compact is one of the most high-profile multistakeholder initiatives in global governance, designed to encourage business actors to adopt voluntary commitments to advance human and labor rights, and mitigate the environmental and health impacts of business practices. The UN Global Compact counts several of the largest transnational producers of alcohol and processed food among its members, including the Coca-Cola Company, AB InBev, and Nestlé. Given the orchestrating functions of these organizations, and the extent to which NGOs engaged in global governance for health are likely to have some degree of involvement with them, the sample provides a relatively comprehensive macro-level analysis of NGO engagement in the regulatory governance of alcohol and ultra-processed food industries.

To construct this dataset, we relied on information available on the websites of WHO, Codex, and UN Global Compact to identify NGO engaged on issues related to alcohol and ultra-processed food. The first step in this process was mapping the NGOs that appeared to have some degree of policy engagement with food (nutrition, obesity, and infant formula), alcohol, or both (via a focus on NCDs or public health) as part of their organizational work. This mapping exercise was based on several data sources. In the case of WHO, we checked the responses of NGOs to three public consultations it conducted on alcohol, nutrition, and NCDs between 2017 and 2019, which were intended to inform the development of WHO strategies and action plans: (a) implementation of the global strategy to reduce the harmful use of alcohol. (b) Draft approach for “safeguarding against possible conflicts of interest in nutrition programmes.” (c) High-level commission on NCDs. Having mapped all the NGOs that engaged with these consultations, the next step was to search their websites for information to indicate policy engagement with food (nutrition, obesity, and infant formula), alcohol, or both (via a focus on NCDs or public health) as part of their organizational work. For example, policy reports, briefings, or advocacy campaigns. Organizations that did not have a website were excluded, as were NGOs that had disbanded or ceased to exist. This process operated to filter out NGOs that did not meet these inclusion criteria. This two-step process was also used for NGOs participating in the WHO GCM via its online platform. We repeated this mapping exercise for Codex and UN Global Compact, identifying NGOs using the list of Codex Observers available via the FAO website and searches of the Global Compact database (accurate as of December 2022).

This mapping led to the identification of 164 separate NGOs that were currently active on alcohol and ultra-processed food issues. A total of 128 NGOs were active on alcohol policy and 80 active on ultra-processed food, including organizations that are active across both policy domains. Organizations were coded by their organization type, mandate or issue area, and governance level. Drawing on the existing literature on nonstate actor typologies (Downie, 2020; Green, 2018; Patay et al., 2022), we categorized NGOs into seven types: single-entity public interest organization; professional association; coalition/alliance; foundation; social aspects organization; and statutory organizations (arm’s-length governmental bodies). In addition, we coded organizations according to mandate or issue area: alcohol; nutrition; obesity; disease specific (e.g., diabetes or cancer); noncommunicable disease; infant

formula; public health; and relevant other (e.g., medical associations and consumer rights organizations). Finally, NGOs were coded by the governance level they presented themselves as operating within: national, regional, and global. While every actor in the dataset is by definition engaged in transnational governance, coalitions and alliances tend to operate regionally or in global governance, with national—NGOs moving between governance levels. For example, ACT Promoção de Saúde—a Brazilian NGO—was coded as a national-level single-entity public interest organization with a mandate linked to NCDs, while the Global Alcohol Policy Alliance was coded as a global-level coalition/alliance. To explore how NGO's representation is distributed in transnational governance, organizations were coded according to WHO Member State regions (African, Americas, South-East Asian, European, Eastern Mediterranean, and Western Pacific) and by the World Bank Development Indicator that assigns the world's economies to four groups based on Gross National Income (high-income, upper-middle-income, lower-middle-income, and low-income).

Drawing on the political science literature on global governance (Andonova, 2017; Avant et al., 2010; Downie, 2022), we coded NGOs for five main governance functions. The first is agenda-setting, which relates to the construction of policy issues, and how actors attempt to shift the terms of debate through issue definition that introduces new issues on the agenda or reframes existing ones (Baumgartner & Jones, 2009). Here, we include the creation and communication of information (reports, policy documents and briefings, and position papers). A second governance function is capacity building, which includes technical expertise, training, and other forms of capacity development. Third, rule-setting refers to the involvement of actors in the design, development, and negotiation of the “rules of the game.” In this case, we include open consultations led by WHO as a particular form of rule-setting alongside participation in committees, partnerships, and institutional venues. Fourth, nonstate actors are often expected to monitor compliance with the implementation of rules and regulation, employing tools such as audits, reports, and evaluations. Fifth, in addition to monitoring, NGOs are often expected to enforce standards and codes as watchdogs of corporate behavior.

For each NGO in the dataset, we assessed whether it performed these governance functions by conducting an in-depth exploration of organizational websites, including analysis of reports, policy advocacy, and strategic documents (such as action plans, position papers, mission statements, and social media content). For example, the Healthy Caribbean Coalition was coded as performing both monitoring and enforcement functions, on account of its website detailing its advocacy work and campaigns on issues such as the regulation of unhealthy food marketing. The lead author coded all the NGOs in the dataset, based on coding themes discussed and refined by the research team during a project workshop held in April 2021. B.T. and K.C. reviewed the coding for coherence and consistency, with any issues of interpretation resolved through discussion.

While mapping civil society engagement in global governance for health provides valuable insights into patterns of governance across different spheres, this approach does have limitations. First, it only captures NGOs that have some degree of involvement with institutions that orchestrate governance processes, and thus omits organizations that are engaged in other forms of global policy and transnational administration, such as transnational public–private partnerships. Second, the dataset is constructed from public-facing information via NGO websites. As such, the dataset may not be exhaustive in its coding of governance functions or organizational mandate. Third, the dataset represents a first step towards understanding the network of NGOs engaged in global governance for health, providing insights into patterns of governance and the types of actors involved. This article does not assess actions and practices within specific institutional settings but is part of a wider project on health-harming commodities and business regulation that uses in-depth qualitative interviews with policy officials and NGOs to explore these dimensions of NGO engagement in global governance.

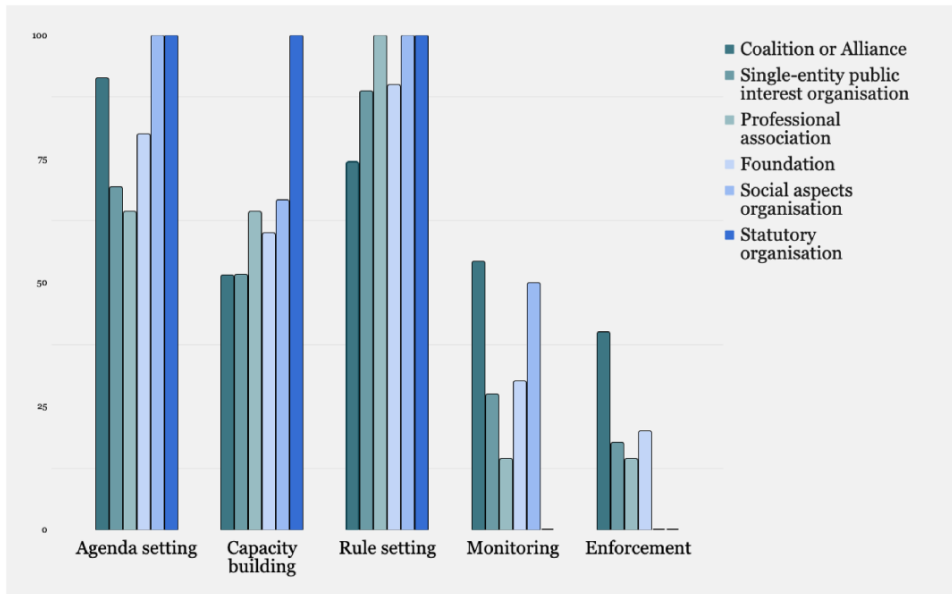
Descriptive statistics

What type of NGOs is engaged in the regulatory governance of ultra-processed food and alcohol industries?

Single-entity public interest organizations made up a near majority of NGOs in the dataset (48.2%), while coalitions and alliances represented just over a quarter of organizations (26.2%). The remaining NGOs comprised professional associations (14%), foundations (6.1%), social aspects organizations (4.3%), and statutory organizations (1.2%). The vast majority of NGOs operated primarily at the national-level, with only 10% of single-entity public interest organizations and 20% of coalition and alliances at the global

Table 1. Distribution of NGO governance functions by policy domain.

| | Alcohol | | Ultra-processed food | | All NGOs | |
|-------------------|---------|------|----------------------|------|----------|------|
| | N | % | N | % | N | % |
| Agenda-setting | 99 | 28.1 | 76 | 29.5 | 175 | 28.7 |
| Capacity-building | 69 | 19.6 | 60 | 23.3 | 129 | 21.1 |
| Rule-setting | 111 | 31.5 | 72 | 27.9 | 183 | 30 |
| Monitoring | 44 | 12.5 | 30 | 11.6 | 74 | 12.1 |
| Enforcement | 29 | 8.2 | 20 | 7.8 | 49 | 8 |
| Total | 352 | 100 | 258 | 100 | 610 | 100 |

**Figure 1.** Percentage of governance functions performed by different types of NGO (N = 128) active on alcohol issues.

level. This distribution of organization types was consistent across different issue areas (alcohol, nutrition, obesity, NCDs, breast-milk substitutes, public health, and specific diseases) with the exception that coalitions and alliances had relatively higher levels representation in alcohol (38%), with a similar dynamic for professional associations focused on nutrition (42%) and specific diseases (33%).

What governance functions do NGOs perform?

Table 1 shows the type and number of governance functions performed by NGOs generally and across the issue areas of alcohol and ultra-processed food. The clear pattern is that monitoring and enforcement activities appear to less common than agenda-setting, capacity building, or rule-setting. Figures 1 and 2 unpack these governance functions by issue area and actor type, illustrating the more limited focus of NGOs in the dataset on monitoring and enforcement activities. Figure 1 shows the distribution of governance functions in the issue area of alcohol policy, in which NGOs (N = 128) performed a total of 352 governance functions. Agenda-setting (77%) and rule-setting (86%) were the most frequent functions, with monitoring (31%) and enforcement (22%) being the least frequent. Although coalitions and alliances exhibit comparatively higher levels of monitoring (54%) and enforcement (40%) of corporate behavior, this aspect was considerably lower than other governance activities.

Figure 2 illustrates the issue area of ultra-processed foods, in which NGOs (N = 80) performed 258 governance functions. Similar to the alcohol-policy domain, agenda-setting and rule-setting are the most frequent governance functions undertaken by NGOs, performed by 95% and 90%, respectively. In

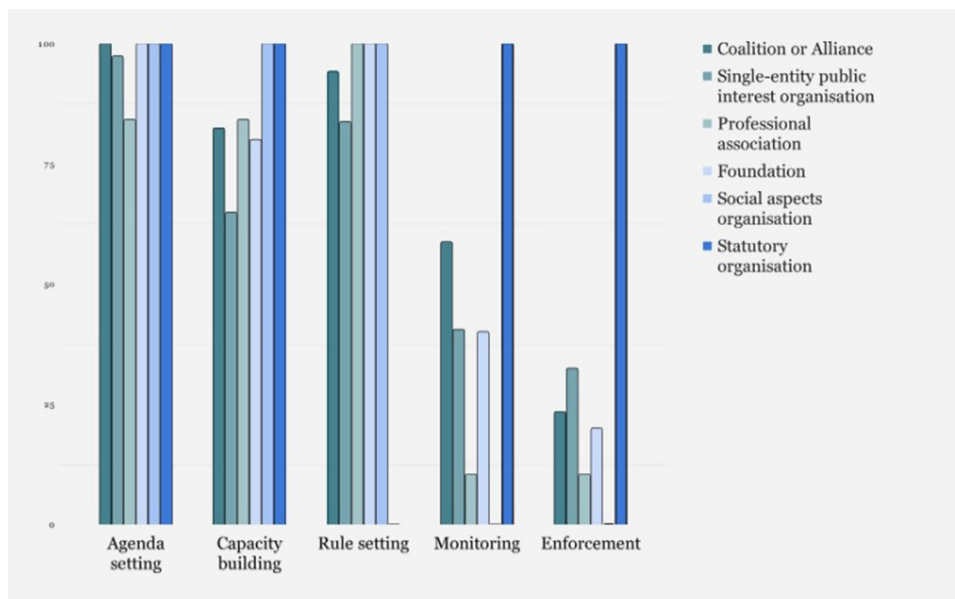


Figure 2. Percentage of governance functions performed by different types of NGO (N = 258) active on ultra-processed food issues.

comparison to the alcohol-policy domain, NGOs active on ultra-processed food appear to be involved in capacity building more frequently, with 35% of coalitions or alliances providing internal (i.e., for member organizations) and external (for third parties) expertise, compared to 22% of alcohol-focused coalitions and alliances. Similar to the alcohol-policy domain, coalitions and alliances have higher levels of monitoring (58%) and enforcement (23%) compared to other types of NGO, though single-entity public interest organizations engaged in ultra-processed food perform monitoring activities (40%) more often than in alcohol (27%).

Table 2 shows the number and distribution of different actor types responsible for governance functions as a proportion of each function. The data reinforce patterns of governance illustrated in Figures 1 and 2, in which coalitions and alliances undertake a significant proportion of monitoring and enforcement activities among the NGOs sampled. These organizations undertake over 40% of these activities in the alcohol domain, and 27% in ultra-processed food. Single-entity public interest organizations also account for a high proportion of monitoring and enforcement, particularly in the ultra-processed food domain where they account for 50% of these functions. Yet, it is important to reiterate that monitoring and enforcement of corporate behavior appear to be undertaken much less frequently than other governance functions.

Which institutional spheres do NGOs participate in?

In terms of participation, one of the most visible patterns within the dataset is the WHO's position as a focal point of NGO engagement. Figure 3 highlights the importance of WHO consultation procedures as a site of engagement in the sample, accounting for 84% and 74% of NGO participation in alcohol and ultra-processed food, respectively. Single-entity public interest organizations and coalitions/alliances were the most active in this sphere, especially on alcohol issues, with considerably less engagement from other types of NGOs. The WHO GCM had the second highest levels of participation, albeit much lower than WHO consultations. Despite the aim of the UN Global Compact to bring together civil society and business actors in implementing and reporting on voluntary sustainability commitments, this multistakeholder initiative has the lowest levels of NGO participation within this dataset. While the UN Global Compact encourages business action on planetary health (including diet-related health), only four NGOs active on ultra-processed food are involved in this initiative, while the only alcohol-related NGO is industry-funded. The most notable divergence in participation is in Codex, which included 17 NGOs (or 11%) of NGOs active on ultra-processed food issue compared to 5 (or 3%) of NGOs in the

Table 2. Number and distribution of actors responsible for governance functions.

| Alcohol | | | | | | | | | | | | | | | |
|----------------------|-----------------------|------|------------|------|--------------------------|------|--|------|-----------------------------|-----|------------------------|-----|-------|-----|--|
| Governance functions | Coalition or Alliance | | Foundation | | Professional Association | | Single-entity public interest Organization | | Social aspects organization | | Statutory organization | | Total | | |
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | |
| Agenda-setting | 32 | 32.2 | 8 | 8.1 | 9 | 9.1 | 43 | 43.4 | 6 | 6.1 | 1 | 1 | 99 | 100 | |
| Capacity-building | 18 | 26.1 | 7 | 10.1 | 10 | 14.5 | 32 | 46.4 | 1 | 1.5 | 1 | 1.5 | 69 | 100 | |
| Rule-setting | 26 | 23.4 | 9 | 8.1 | 14 | 12.6 | 55 | 49.6 | 6 | 5.4 | 1 | 0.9 | 111 | 100 | |
| Monitoring | 19 | 43.2 | 3 | 6.8 | 2 | 4.6 | 17 | 38.6 | 3 | 6.8 | – | – | 44 | 100 | |
| Enforcement | 14 | 48.3 | 2 | 6.9 | 2 | 6.9 | 11 | 37.9 | – | – | – | – | 29 | 100 | |
| Total | 109 | 30.1 | 29 | 8.2 | 37 | 10.5 | 158 | 44.9 | 16 | 4.5 | 3 | 0.9 | 352 | 100 | |
| Ultra-processed food | | | | | | | | | | | | | | | |
| Agenda-setting | 17 | 22.4 | 5 | 6.6 | 16 | 21.1 | 36 | 47.4 | 1 | 1.3 | 1 | 1.3 | 76 | 100 | |
| Capacity-building | 14 | 23.3 | 4 | 6.7 | 16 | 26.7 | 24 | 40 | 1 | 1.7 | 1 | 1.7 | 60 | 100 | |
| Rule-setting | 16 | 22.2 | 5 | 6.9 | 19 | 26.4 | 31 | 43.1 | 1 | 1.4 | – | – | 72 | 100 | |
| Monitoring | 10 | 33.3 | 2 | 6.7 | 2 | 6.7 | 15 | 50 | – | – | 1 | 3.3 | 30 | 100 | |
| Enforcement | 4 | 20 | 1 | 5 | 2 | 10 | 12 | 60 | – | – | 1 | 5 | 20 | 100 | |
| Total | 61 | 23.6 | 17 | 6.6 | 55 | 21.3 | 118 | 45.7 | 3 | 1.2 | 4 | 1.6 | 258 | 100 | |

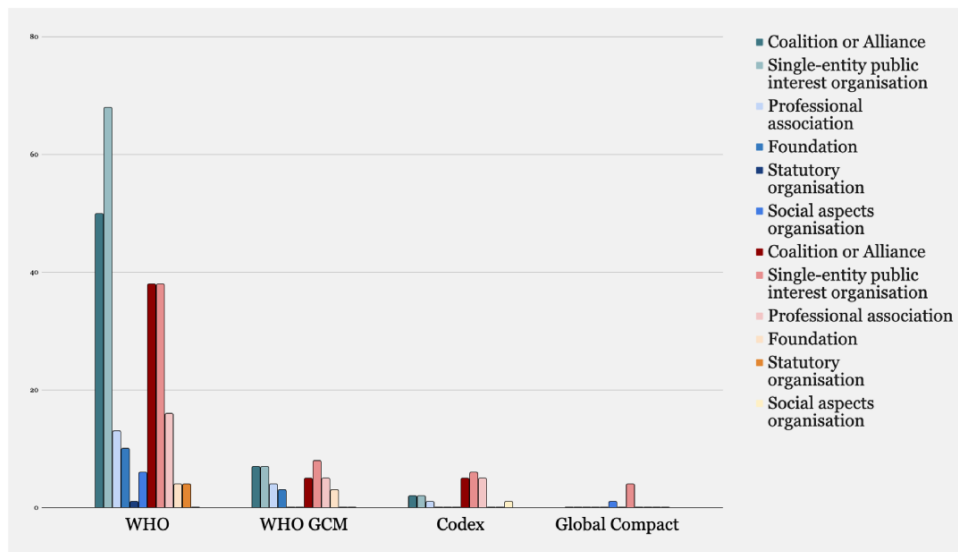


Figure 3. Participation across governance spheres (alcohol NGOs: green—blue; ultra-processed food NGOs: red—orange).

alcohol-policy domain. This variation can be explained by Codex having assumed responsibility for nutrition policy (e.g., front of pack nutrition labelling and guidelines on sugar) in 2010 but not yet for alcohol (Hepworth et al., 2021; Thow et al., 2020)

Where are NGOs represented?

Figure 4 shows the representation of NGOs in the dataset according to World Bank income groups (high, low, lower-middle, and upper-middle income), underlining the predominance of NGOs that operate in high-income contexts. For example, coalitions and alliances in high-income countries represent 73% and 69%, respectively, of all single-entity public interest organizations in the sample. This contrasts with just 4% of coalitions and alliances operating in low and lower-middle income contexts, contrasting with 25% of single-entity public interest organizations. This pattern of representation was evident across policy domains, with even starker asymmetries in ultra-processed food policy where not a single coalition or alliance was based in a low or lower-income context.

These asymmetries are also apparent in representation across different regions, with a significant proportion of NGOs in the sample being headquartered within the WHO European Region. Indeed, this figure exceeds the combined number of NGO in African, South-East Asian, Eastern Mediterranean, and Western Pacific Regions. In the alcohol-policy domain, the European Region represents 52% of coalitions and alliances, while the African and South-East Asian Regions represent 16% and 4%, respectively. If we turn to the ultra-processed food domain, NGOs based in the European region similarly account for almost half of all NGOs, representing 70% of coalitions /alliances.

What can we infer about NGO engagement in global governance for health?

This section makes descriptive inferences about the engagement of NGOs within the transnational governance, drawing on political science and critical public health science perspectives to understand the roles and functions of NGOs in regulating the alcohol and ultra-processed food industries. Here, we draw on the concepts of accountability and participation to explore the implications for the legitimacy and effectiveness of this field of global governance.

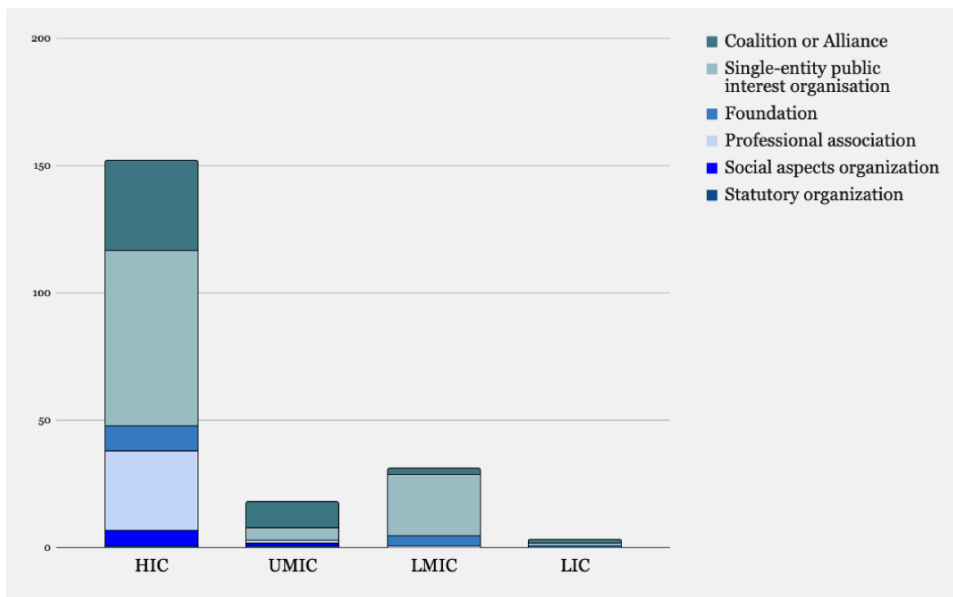


Figure 4. NGO representation by World Bank development indicator.

Accountability

Steffek (2010) observes that organized civil society, such as NGOs, is crucial for public accountability, exposing corporate behavior to public scrutiny, detecting pathologies of governance, and translating technical and specialized discourses of regulatory policies into a language accessible for wider publics (Crouch, 2011). For Steffek, organized civil society is instrumental to transnational public accountability acting as a watchdog of political and administrative decision-making (Fransen & Kolk, 2007; Kohler-Koch, 2010; Scholte, 2004).

Here, the data suggest that NGOs engaged in global business regulation related to alcohol and ultra-processed foods use a combination of advocacy strategies that attempt to influence policy-making within international organizations, as well as targeting corporate behavior as watchdogs. While the political science literature on accountability emphasizes the NGO advocacy as one of the most important mechanisms through which corporations can be held to account (Bovens, 2007; Héritier & Eckert, 2008; Woll, 2013), our dataset highlights that monitoring and enforcement are an important dimension of advocacy efforts in alcohol and ultra-processed food policy domains but are complemented by what Colli and Adriaensen (2020) refer to as lobbying the state, where NGOs make direct contact with policy makers through administrative procedures such as stakeholder consultations (Braun & Busuioc, 2020). While we need to avoid generalizable claims, the data reflect other studies on advocacy strategies in global governance, which find that NGOs have increasingly devoted attention to influencing policy making within international organizations (Dellmuth & Tallberg, 2017; Tallberg et al., 2013). At the same time, watchdog accountability practices form an important part of the work of coalitions and alliances, particularly monitoring of corporate behavior. For example, the NCD Alliance, one of the largest and most diverse global alliances in the dataset, devotes a considerable amount of space in monitoring of corporate behavior in policy issues such as the “reformulation” of products high in *trans* and saturated fats, sugar and salt, and alcohol marketing. Although this macrolevel analysis does not allow us to assess the target of these accountability practices, Colli and Adriaensen (Colli & Adriaensen, 2020) describe how NGOs use “outside” strategies to increase the political salience of particular issues. In this case, NGOs may use informational resources generated through monitoring and enforcement activities to attempt to place issues of corporate behavior onto the public agenda, generating critical media coverage (Busuioc & Lodge, 2017; Jacobs & Schillemans, 2016). This outside strategy (Binderkrantz, 2005) of targeting corporations through the market is particularly important for NGOs in the dataset that have used consumer boycotts, notably the International Baby Food Action Network’s

monitoring of Nestlé's violations of the International Code of Marketing of Breastmilk Substitutes. It is also plausible that the informational aspects of monitoring and enforcement functions are used by NGOs as part of "inside" strategies that target policy makers within international organizations. While this requires further empirical research, the results of this article point to governance functions being used in combination to support different advocacy strategies.

Participation

The participation of civil society in global governance is often justified as a means to increase the democratic legitimacy and effectiveness of decision-making in global institutions and structures (Bexell et al., 2010; Kapilashrami & O'Brien, 2012; Smith et al., 2016). Scholte (2004) summarizes this perspective, noting how inputs from civil society organizations have the potential to "enhance the democratic legitimacy of global governance arrangements with increased public participation and public accountability." As discussed earlier, NGOs engaged in global business regulation have the potential to enhance public accountability by exposing corporate behaviors that run counter to public health objectives and can represent public interests in different spheres of global governance. While this mapping of NGOs engaged in the regulatory governance of alcohol and ultra-processed food cannot assess the deliberative or participatory quality of NGO engagement, the results highlight the stark asymmetries between the representation of NGOs based in high-income contexts and those in low and lower middle-income contexts, and across regions in the Global North and South. This echoes previous studies on global health governance that note persistent power imbalances in civil society participation (Buse & Harmer, 2004; Doyle & Patel, 2008; Storeng & de Bengy Puyvallée, 2018). These asymmetries are arguably reflected in the higher levels of involvement in WHO consultations, given the low barriers to participation in online-based stakeholder consultations. Yet, it is evident that participation in other spheres is largely restricted to NGOs that are headquartered in the Global North, with 100% of NGO observers in Codex and 84% of NGOs involved in the WHO GCM based in high-income contexts. While the analysis illustrates these asymmetries within the dataset, understanding the dynamics of global business regulation requires further investigation into how NGO participation is structured by institutional factors, advocacy networks, and power resources.

Conclusion

Despite the large literature on global business regulation and private authority in global policy (Bell & Hindmoor, 2012; Fougère & Solitander, 2020; Gulbrandsen, 2014; Moog et al., 2015), there is relatively limited research on the governance functions of NGOs engaged in influencing the practices of corporations that produce health-harming commodities. This gap is especially pronounced in the issue area of NCDs, which are driven by transnational corporations that produce and market alcohol and ultra-processed food products, among other health-harming commodities. This article is an effort to map the NGOs engaged in regulatory and governance processes relating to these specific industries, and the governance functions they perform. Drawing on a new dataset, the article provides a macrolevel analysis of the NGOs engaged in global governance processes relating to the alcohol and ultra-processed food industries and their participation across different spheres.

The article makes a twofold contribution to the existing debates. First, we identify the governance functions through which NGOs attempt to hold corporations to account. The data highlight that monitoring and enforcement of corporate activities are performed less frequently than the other governance functions, though are an important aspect of the work of coalitions and alliances. In contrast to the notion of NGOs as simply watchdogs of corporate behavior, this finding suggests that the advocacy efforts of NGOs use a combination of inside and outside strategies (Binderkrantz, 2005; Broscheid & Coen, 2003) that attempt to influence policy making within international organizations as well as through the market. This points to the need for future scholarship that explores how NGOs engaged in global business regulation use different combinations of strategies to influence corporate behavior.

Second, the article explores the participation and representation of NGOs across different governance spheres and between regions. This highlights an unevenness in NGO participation across institutional spheres, in which NGO interactions on alcohol and ultra-processed food issues centred on WHO consultation procedures. More surprisingly perhaps, is the more limited involvement in multi-stakeholder initiatives, notably the UN Global Compact, which points to the need for further empirical research into the accountability mechanisms and practices within multistakeholder approaches. The

data also reveal asymmetries between NGOs in the Global North and South, in which the majority of NGOs are headquartered in the WHO European region. Understanding the dynamics of global business regulation requires further investigation into how NGO participation is structured by institutional factors, advocacy networks, and power resources. A future research agenda could explore the interactions between global coalitions and NGOs from low and lower middle-income contexts, in addition to the barriers to democratic and equal participation confronted by NGOs in the Global South.

Data availability statement

The dataset underlying this article will be made available by request to the corresponding author.

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Conflict of interest

None declared.

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