JANUARY 2020
No. 114

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Making Food a "Common Good": Lessons From Three Experiences to Fight Malnutrition

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Making Food a "Common Good": Lessons From Three Experiences to Fight Malnutrition

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Abstract
Food supply is caught in a powerful paradox. The right to food is one of the most established and codified human rights. However, almost a billion people – one person out of nine – currently suffer from malnutrition. There are essentially three explanations to this. First, hyper concentrated and highly capitalistic food markets are in no way oriented in order to satisfy essential needs. Second, property right in its exclusive form, as it stems from free trade agreements, exercises a primacy and domination on social rights. Last, the subject towards which international law is directed is not the person (to which the right to food is theoretically attributed) but the national State.

This situation explains why new considerations are being affirmed: it is time to make food a "common good". This new narrative, supported by multiple actors, puts the question of access at the center of attention. It means drawing out the conditions for the institutionalization of the right to food. It also implies that we must leave behind the illusion that the realization of the right to food can solely rest on the goodwill of States. In this sense, it signifies that we must work to promote multiple initiatives such as those carried out in civil society.

Three examples of initiatives that fight against different forms of malnutrition (Nutriset, Misola and Nutri'zaza) feed into this work. They allow us to shed light on three aspects that must be taken into account in order for these entities to be considered contributors to the right to food and the promotion of food as a common good. The first aspect that we study concerns the conditions (price policies, fabrication and distribution modalities) in which food is produced and made available. The second revolves around the way in which these initiatives make use of the different attributes of property right in order to facilitate (or not) the access to food. The third consideration stems from the form that such entities take, and how these forms help them to comply with the objective of facilitating access to food for the most fragile populations.

Keywords
Malnutrition, commons, governance, social company, Africa, development

JEL Classification
I14, I15, I18, O19, O34, O35, O38

Acknowledgments
The authors would like to thank Nadège Legroux (AFD) for the translation of the text and for her contribution in editing this report.

Original version French

Accepted January 2020

Résumé

La question de l'alimentation est saisie dans un puissant paradoxe. Le droit à l'alimentation est l'un des mieux établis et des plus codifiés. Pourtant, près d'un milliard de personnes, soit une personne sur neuf, souffrent de malnutrition. Trois motifs essentiels viennent justifier cette situation. D'abord, les marchés de l'alimentation hyper concentrés et fortement capitalistiques ne sont aucunement tournés vers la satisfaction des besoins essentiels. Ensuite, le droit de propriété sous sa forme exclusive, comme celui qui en dérive du « libre commerce » inscrit dans les traités de libre échange, exercent de fait un primat et un effet de domination sur les droits sociaux. Enfin, le sujet du droit international n'est pas la personne (à qui le droit à l'alimentation est théoriquement attribué) mais l'État national.

Cette situation explique que de nouvelles réflexions soient en cours d'affirmation : il s'agit désormais de faire de l'alimentation un « bien commun ». Ce nouveau discours, animé par des acteurs multiples, met la question de l'accès en son centre. Faire de l'alimentation un bien commun, c'est penser les conditions de l'institutionnalisation du droit à l'alimentation. Il s'agit de sortir de l'illusion que la réalisation de ce droit à l'alimentation pourra reposer sur le « bon vouloir » des États, et travailler à promouvoir des initiatives multiples, émanant notamment de la société civile.

Trois exemples d'initiatives de lutte contre différentes formes de malnutrition (Nutriset, Misola et Nutri'zaza) guident notre réflexion. Ils nous permettent d'énoncer trois considérations qui doivent être prises en compte pour que ces entités puissent être considérées comme contribuant au droit à l'alimentation et donc à faire de l'alimentation un bien commun. La première a trait aux conditions (politiques de prix, modalités de fabrication et de distribution) dans lesquelles les biens alimentaires sont produits et mis à disposition. La seconde porte sur la manière dont les initiatives traitent l'usage des différents attributs du droit de propriété et favorisent (ou non) l'accès aux biens alimentaires. La troisième considération concerne les « formes sociétaires » des entités intervenant dans la chaîne alimentaire et leur adéquation aux objectifs de satisfaire l'accès aux biens alimentaires des personnes et populations les plus fragiles.

Introduction

Upon looking at the principles of human rights, there is no doubt that questions concerning access to food and nutrition are caught in a powerful paradox. On one hand, the right to food is recognized in the 1948 Universal Declaration of Human Rights as one of the most established and codified rights. On the other hand, different forms of malnutrition continue to affect hundreds of millions of people worldwide (one third of the global population). A recent report by the Food and Agriculture Organization (FAO & al., 2019) [1] even attests of a situation that would have seemed unthinkable a few years back: global malnutrition is on the rise.

This situation and paradox pave the way for a variety of questions and invite us to explore new directions. Insuring the respect of the human right to food and defeating malnutrition are, more than ever, pressing issues. Beyond the recognition of "a right" to food, we wish to examine the conditions under which **the access to food supply can be guaranteed**, especially for the most diminished and fragile populations. To put it otherwise, and because **the question of access** is central in this approach, **how is it possible to make food a "common good"**[2]?

To do this, we have chosen to mobilize an original approach based on the case studies of initiatives deployed in the fight against malnutrition. The way and conditions by which access to food is (or not) realized for precarious populations will serve as reference material to open up more generally towards the question of food as a common good. First, we will briefly present that state of play of the right to food as it is recognized and codified in international treaties and conventions, as well as the multiple limits it faces, which justify the need to explore alternative routes (section I). We will then present our three case studies of *i)* the company Nutriset (Coriat & Toro, 2019a), a pioneer in the fight against acute malnutrition, *ii)* the Nutrimad initiative, which gave birth to the Nutri'zaza company (Coriat & Toro, 2019b) engaged in the conception and sales of complementary foods in Madagascar, and finally *iii)* the Misola experience (Coriat & Toro, 2019c) deployed in Western Africa. After having shed light on the conditions of emergence and innovations promoted by these initiatives (section II), we will look at their governance models (section III). From all the elements established, we will concentrate on the conditions that allow (or not) to promote the access towards appropriate,

1. The fact that this report is signed by a group of United Nations international organizations gives it additional weight.
2. According to the most widely accepted definition of the notion of common good, proposed by the Rodotà Commission, common goods are "things that express a functional utility for the exercise of fundamental rights as well as for the free development of people". As a consequence, and as thus, they "must be protected and safeguarded by the judicial system, including for the interests of future generations". On this point, see the articles in the *Dictionnaire des biens communs* (Cornu, Orsi & Rochfeld, 2017): "Commission Rodotà (Italie)" (Mone) and "Biens communs (approche économique)" (Coriat).

As will be developed further on, let us note that we have chosen, in this text, to clearly distinguish between "commons" and "common goods" at the conceptual level. The distinction we propose is not very usual in commons Anglo-Saxon literature. By commons, we refer to situations in which a community organizes itself to exploit and/or produce a resource through governance mechanisms that guarantee both the long-term reproduction of this resource and the rights and obligations of all members of the commons (Coriat, 2015). This approach is very close to Ostrom's seminal analysis (1990) in which typical commons may be constituted by fisheries, forests, pastures, etc. The notion of "common good" that we refer to is directly inspired by the one described by the Rodota Commission and defined above. The usefulness of this distinction between "commons" and "common goods" will clearly appear in the discussions carried out in sections IV and V below.

qualitative nutrition. This leads us to identify conditions that contribute to the access to food and pave the waytowards making food a common good (section IV). A brief conclusion (V) will summarize the main points of this research.

1. The Right to Food and its Aporias

In its current understanding, the question of a right to food explicitly posed as a "universal right" began to receive attention in the course of the 1940s – during and after the Second World War -, before receiving full recognition in the 1948 Universal Declaration of Human Rights, itself further developed in the content of the 1974 Universal Declaration for the Definitive Elimination of Hunger and Malnutrition[3].

1.1. The constitution of a right to food: the principal moments

In 1945, in the context of the dramatic food penuries and famines provoked by the Second World War, the first specialized institution created by the United Nations Organization (UN), itself newly formed, is the Food and Agriculture Organization (FAO). Its mandate is then defined as aiming to "develop subsistence farming and oversee the equal distribution of food among men" (Ziegler & al., 2011). This point is remarkable in that it highlights the importance that the question of food then holds.

From the perspective of law, the key moment is however constituted by the 1948 Universal Declaration of Human Rights which claims, without ambiguities, in article 25, **the right to food**. This right is reiterated and further developed in the 1966 **International Covenant on Economic, Social and Cultural Rights**, in which article 11 is a reference today. In 1974, the first World Food Conference is organized by the UN: a hundred countries adopt the Universal Declaration for the Definitive Elimination of Hunger and Malnutrition.

In Rome, in 1996, a second international conference is held and leads to the Rome Declaration which poses seven engagements. They serve as pillars towards the achievement of sustainable and universal food security, reaffirm "**the right of everyone to have access to safe and nutritious food**" and the necessity of reinforcing inter-governmental cooperation to reach this objective. In 2002, a first assessment of the progress of the 1996 recommendations is made in Rome. This summit is referred to as the WFSfyl ("*World Food Summit five years later*"). In 2009, the FAO holds a World Food Security Summit that confirms the objective to reduce by half the number of undernourished

3. The following paragraphs essentially rely on the works of Jean Ziegler, who exercised the mandate of special rapporteur for the right to food at the UN Human Rights Council between 2000 and 2008, before becoming vice-president of the consultative committee of this council in 2009. In the publication he directed in 2011, he offers a summary of the works he led as special rapporteur as well as his conclusions from his experience in this field.

human beings by the 2015 horizon (the first of the Millennium Development Goals adopted by the UN in 2000).

Last but not least, food is a key element in the Sustainable Development Goals (SDG) of the 2030 Agenda for Sustainable Development. Goal nº 2.2 aims to end hunger, achieve food security and improve nutrition and promote sustainable agriculture. It is also at the heart of States' engagement as put forward by the UN Decade of Action on Nutrition for the period 2016-2025 (WHO, 2016).

1.2. The content of the right to food

As a result of the different resolutions that sparked its existence, various attributes characterize the right to food's specificity and outreach. Its most complete definition is the one given by the 1966 International Covenant on Economic, Social and Cultural Rights, which brought together 169 signatories and disposes as follows:

"The right to adequate food is realized when every man, woman and child, alone or in community with others, have the physical and economic access at all times to adequate food or means for its procurement" (General Comment No. 12. The Right to Adequate Food (Art. 11) – alinea 6, cited by Ziegler & al., 2011, p.17)

As we may note, the right to food relies on people and communities' **access** to adequate food. We will come back later on this capital definition and its implications. This definition stems from a series of attributes given to the notions of availability, accessibility and sustainability, defined as follows[4]:

- Availability refers to the fact that a good is "physically" present in the place where its consumption is required;

- Accessibility implies that "*personal or household financial costs associated with acquisition of food for an adequate diet should be at a level such that attainment and satisfaction or other basic needs are not threatened and compromised*". With the specificity that "*Economic accessibility applies to any acquisition pattern or entitlement through which people procure their food and is a measure of the extent to which it is satisfactory for the enjoyment of the right to food*"[5];

- The notion of sustainability is linked to food security: it implies that the access to food must be guaranteed for present but also future generations[6].

As an extension of the recognition of this fundamental right, a complex legal system comprising multiple dimensions, both legal and institutional, was set up. At its heart is the fact that the charge of satisfying the right to food proclaimed by international law falls onto the responsibility of States[7].

4. Definitions given on these categories come from Ziegler & al. (2011).
5. Let us specify that the right to access is complemented by the requirement that such diets are "adequate", i.e. appropriate for the person concerned and particular circumstances in which their need is expressed.
6. The entire food diet must be taken into account, i.e. the fact that it must be adapted to the different growth and intellectual cycles of the concerned individual.
7. For a detailed history of the confrontations around the establishment of this right and the institutions set up around it, refer to Ziegler & al. (2011).

However, whatever the goodwill of the actors at the origin of these declarations or institutions, and despite the frequent reiterations of the goal to eradicate malnutrition, its defeat has not been achieved. In addition to situations of "chronic" malnutrition pregnant in multiples places around the world, crises have succeeded each other and, in some aspects, escalated[8]. Today, it is estimated that almost one billion people still suffer from malnutrition (cf. Box 1).

Box 1 – Malnutrition: what do we refer to?

If we define malnutrition in a globalizing way, understood as the shortcomings, excesses or misbalances in a person's energetic and/or nutritional intake, it affects one person out of three in the world in 2015 (IFPRI, 2015). It therefore represents considerable social and economic costs for countries. In practice, it is admitted that malnutrition covers two major groups: 1) undernutrition, which includes retarded growth (low height/age ratio), emaciation (low weight/height ratio), underweight (low weight/age ratio), and deficiencies in micronutriments (vitamins and essential minerals), and 2) overnutrition, which corresponds to overweight, obesity or non-communicable diseases related to food, including diabetes and hypertension (WHO, 2016). These distinct nutritional states, all malnutrition markers, can coexist within a single community or individual.

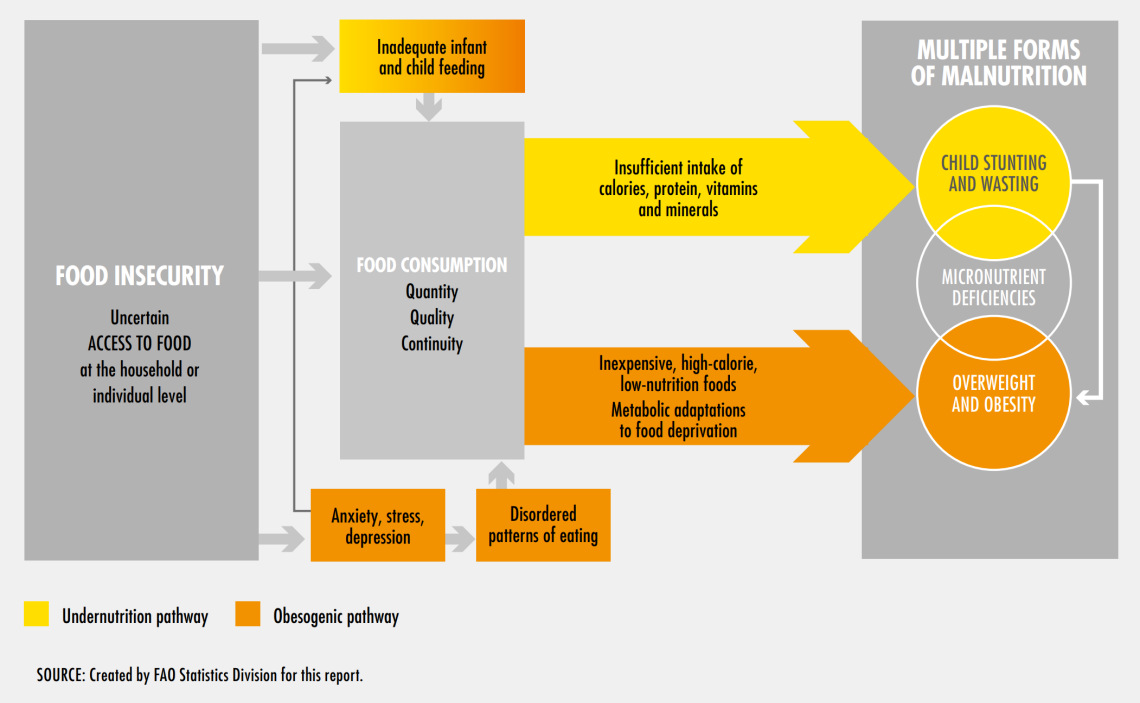

Figure: *Pathways Towards Multiples Forms of Malnutrition* (FAO & *al.*, 2019)

After a long period of decline, the number of under-nourished people has been on the rise in the past three years. Accentuated by conflicts and violence, hunger affects 821 millions individuals today – one person out of nine – a majority of which live in developing countries. At the global scale, malnutrition is responsible for 1/3 of the deaths of children under age 5 (Alby-Flores & al., 2016). In its acute form, it touches 10% of children under age give. However, the "first 1000 days" of life – from conception to age two – have been identified as decisive in the construction of children's health capital, and are cornerstone in the fight and prevention of malnutrition in its different forms. These latter have heavy consequences: they produce irreversible effects on children, women and men's physical and cognitive capacities. They affect a society's ability to "produce" high-capacity human resources and increase health expenses.

8. One of the reasons for this is linked to the fact that while the right to food has been proclaimed as a fundamental right, institutions working on international trade (GATT, then WTO) were set up on principles and missions contrary to the right to food as it had been conceived.

With this framework in mind, we now turn towards the different case studies. As we will attempt to demonstrate, while each study traces back a unique experience and specific framework, the lessons learned as a whole illustrate the importance of setting food as a common good within the very models of such institutions, by insuring that **access** to food by all is guaranteed.

2. Nutriset, Nutri'zaza and Misola: Three Distinctive Trajectories

Although they all aim to fight malnutrition, the three case studies presented below each have strong specificities. Today, Nutriset is the leading French agri-food company on the world market of ready-to-use therapeutic foods for Southern countries. Nutri'zaza, a "social" company of Malagasy law, took over a project carried out by the non-governmental organization (NGO) Gret and the Institute for Research on Development (IRD). This project revolved around the fabrication of baby powder in Madagascar. Misola is a French association that filed a brand (Misola®) on a powder mix deployed in Western Africa.

These three initiatives offer different responses to address malnutrition: to fight acute malnutrition in a wide array of regions for Nutriset; to fight chronic malnutrition touching Malagasy children of under two years of age for Nutri'zaza; and, for Misola, to act for the prevention of malnutrition affecting six-month to five year-old children in different Western African countries. Looking at the story of these organizations as well as the conception and distribution of their key products highlights their singularity as well as the shared innovative character of their action.

2.1. Nutriset, a pioneer in highly technological products to fight acute malnutrition[9]

Founded in 1986 in Normandy by agri-food engineer Michel Lescanne, son of the founder of the "Mamie Nova" brand specialized in processed dairy products, Nutriset is the leading company on the global market of ready-to-use therapeutic foods (RUTF). Building on his family's entrepreneurial tradition, Michel Lescanne proposed, in a French nutritionists' congress held in 1993, to launch the fabrication of a prototype dehydrated dairy product. It would possess all the nutritional qualities required to treat severe acute malnutrition. This latter is the most serious pathological form of malnutrition and strongly threatens the health of affected children, on the short-term. Since the 1980s, it fuels debates within the nutrition community, increasingly aware that the physiological disequilibrium's gravity is marked by nutritional deficiencies both in quantity and in quality. The required nutritional response thus must be very precise and take into account the characteristics of nutrient intake as well as the difficulties that affected children face to digest certain forms of nutrient. The Nutriset company, which progressively evolved towards a complex group with many ramifications, paved the way towards a range of innovative products to fight these acute forms of malnutrition.

9. For the detailed analysis of the Nutriset case, see Coriat & Toro (2019a).

The evolution of these products is conceived both to respond to nutritional needs and to facilitate the distribution of the products. Fed from discussions with researchers, nutritionists and doctors, in close relationship with NGOs, the company takes an original path. After various attempts that did not bring about the expected solution[10], it delivers Plumpy'Nut™, the first food described as "ready-to-use therapeutic food"[11].

One of Plumpy'Nut™'s major benefits is that it allows the product to be directly distributed from NGOs to families, in the most remote areas. The product no longer requires to be distributed by health centers; these can reduce their implication to the initial diagnosis and to the control and follow-up of health states.

After this, through a similar process of collaboration with field and research stakeholders, Nutriset conceives another key product in its Plumpy® product range, the Plumpy'Doz™. Addressed towards moderate acute malnutrition, it considerably opens up and extends the target market. The company also develops other product ranges including Enov®, for the prevention of malnutrition, and products targeting chronic malnutrition.

The innovation sparked by Plumpy'Nut™ is quickly identified and recognized by the most important institutional international actors. In 2006, the World Food Program (WFP) and the United Nations Children's Fund (UNICEF) recommend Plumpy'Nut™. For Nutriset, this constitutes a major success to the extent that these organizations, and development banks that belong to the same ecosystem, make up the quasi-totality of these products' buyers.

This recognition is further strengthened by the reference role played by the range of Plumpy® products in the conception of food categories by the Codex Alimentarius ("Codex"). This normative international organism created by the FAO and the World Health Organization (WHO) has the mandate to establish international standards. In 2008, the Codex creates a standard defining the entire class of RUTP products based on the composition of Plumpy'Nut™. Plumpy'Doz™ will inspire the category of "ready-to-use supplementary foods" (RUSF). The pioneering role played by Nutriset products in the elaboration of these new categories at the international level illustrates their success.

Credit must thus be given to Nutriset for the conception of a highly innovative product in the field of acute malnutrition. However, looking at the question of access, Plumpy'Nut™ is characterized by a high price and a strongly protected monopoly on the preparation, production and distribution of the nutrients that enter its composition[12]. Nutriset, in its behaviors and strategies, positions itself rather on the field of "medication" than on that of food products. These factors, as we shall see, will strongly weigh on populations' access to these products.

10. The first Nutriset product, F-100™, took the form of a pre-dosed packet containing all the necessary nutriments to treat this form of malnutrition. It must be mixed with water and administered on a regular basis to children suffering from this malnutrition. If it proved to be technically efficient, as tested by various NGOs in Rwanda in 1993, its field use faced important obstacles. The water necessary to mix the product was not of adequate quality and could be the vector of bacterial contamination. The long-term treatment, often on the scale of a month, at a regular basis (an intake very three hours), in health centers often far from homes and closed at night, impeded the product's administration (Levillain, 2015 ; Carémel, 2012).
11. Plumpy'Nut™ is an organoleptic matrix (fat dough) with the adequate nutritional properties. It takes the form of hermetically closed packages that allow its conservation at home, prior dosing of the nutrients, and the good digestion of the product. In addition, it is tastier than F-100™.
12. The central production site, where a number of key ingredients continue to be produced as a monopoly, is based in Normandy.

2.2 Nutri'zaza, the endpoint of an innovative project on a food supplement to fight chronic malnutrition[13]

As compared to Nutriset, the Nutri'zaza company results from a very different path. It is in continuity with the Nutrimat program deployed by the Gret and IRD in Madagascar between 1997 and 2006 to fight chronic malnutrition (Pleuvret & al., 2010). If the effects of this malnutrition are less visible than those under its acute form, it is nonetheless devastating. The most vulnerable population groups are women of child-bearing age and small children. Associated with a delay in children's physical and cognitive development, its causes are multifactorial and it touches 50% of Malagasy children between 6 and 24 months of age. These numbers illustrate the widespread gravity of this form of malnutrition.

Following various studies carried out on children malnutrition, the Nutrimad program aimed to conceive accessible and available food supplements to compensate nutritional deficiencies. It especially targeted poor neighborhoods within urban zones. To do this, Nutrimad developed the Koba Aina ("flower of life") baby powder as well as a network of baby restaurants, the "hotelin jazakely" ("hotelin"), which would allow the on-site consumption or distribution of the product to families via a network of animators.

In 2013, the company of Malagasy law Nutri'zaza is promoted to take the lead of the network set up by Nutrimad[14]. The decision to extend the Nutrimad program in the form of a "social enterprise" aims to scale its work and reach the economic equilibrium which lacked in the initial Nutrimad initiative.

In this way, the activity of Nutri'zaza relies on the experience deployed for many years during the Nutrimad program. This program had itself resulted in two series of innovation: those that led on the one hand to the composition of the Koba Aina powder, and on the other to set up the products' distribution via a network of baby restaurants.

With regards to the product's composition, a big local society (the TAF[15]) produces the powder using 99% of ingredients from Malagasy agriculture, *i.e.* all ingredients except minerals, vitamins and amylases bought abroad. This composition promotes the product's acceptability in terms of taste and, as opposed to Nutriset products, allows to strongly reduce its fabrication dependency with France. In addition, Koba Aina is conceived to be easily prepared with boiled water in order to avoid contamination risks.

In addition to the product's capacity to be locally produced, another innovation lies in its mode of distribution. Like in the case of Nutriset's Plumpy® product range, this distribution does not require centralization in or distribution by health centers. Better, a physical, pragmatic network is set up (hotelins) and takes on the form of simple stands where packs can be prepared and consumed on-site, or bought to be consumed later on. Also, the network relies on animators who are ambassadors of the product and the soul of the

13. For the detailed analysis of the Nutri'zaza case, see Coriat & Toro (2019b).
14. In order to ensure this transition, the NGO takes on the role of Nutri'zaza's technical assistance during the first give years, with the financial support of the French Development Agency (AFD) and the Gret's Find fund.
15. TAF is a company created in 1945 specialized in coffee roasting and production of tea and a variety of spices from Madagascar. It is located in Antananarivo.

program. Recruited preferably among people who are known to have a good reputation in their work neighborhood, they hold the stands and prepare the food. This entire set-up increases the product's accessibility, in addition to the low price at which it is sold. Both aspects stem from Nutri'zaza's choice to constitute itself under a special form, as a "social company"[16].

While it aims to sell baby powder as widely as possible within the most fragile populations, Nutri'zaza and its network face various limits (Cheret & Desjonquères, 2014). Despite the product's competitive price, the regularity at which it must be taken – 2 doses/day for children between 6-12 months, then 3 doses/day for children between 12-24 months – is often disregarded. In addition, the animators' pay proves to be insufficient[17], as indicated by the high turnover, which itself reveals difficulties in the company's operations. Last, the economic equilibrium strived for by the company has not yet been reached.

2.3 Misola: an action centered around food autonomy and the prevention of moderate malnutrition[18]

The project or Misola network characterizes yet another experience of fight against malnutrition as compared to the two companies described above. The polysemic term "Misola" refers to three embedded realities: 1) an association funded in 1995, whose headquarters are located in Calais, France, that aims to support activities and products to prevent malnutrition in Western Africa; 2) the food supplement "Misola" elaborated in the framework of this association's work; and 3) the protected brand deposited on this product (Misola®) by the association and who, as we shall see, is used in order to contribute to reaching food autonomy.

A strong aspect of the Misola project is that it situates itself very much upstream in the fight against malnutrition, at its prevention stage for children aged between six months and five years old. The project originated in the 1980s, when the supplement food provided until 1981 by international aid to the Center of Rehabilitation and Nutritional Education of the Fada N'gourma hospital in Burkina Faso fell short. In this context of crisis, in order to help mothers and families who until then benefitted from this essential support, the Misola project took root in the collaboration between the Direction départementale de la santé publique of the Eastern part of the country, and the Frères des hommes association. In 1995, the Misola association was founded by Dr Lebas. With the help of volunteers, it launches the conception of its key product and the development of production units to fight child malnutrition.

The heart of Misola's work consists in the conception and fabrication of the powder that shares its name. It is composed of three cereal crops within the African alimentary regime: millet, soy and peanuts. It takes the form of a transition food, a porridge for young children.

16. This point is tackled in detail below.
17. Pay is based on a fixed percentage of the sales price, transferred to the animator proportionately to each product sold.
18. For the detailed analysis of the Misola case, see Coriat & Toro (2019c).

The Misola product is innovative at two levels: in its composition and fabrication conditions on one hand, and in the use of the Misola® brand on the other.

First, innovation lies in the fact that the powder is conceived entirely with components from local agriculture; as a result, it can (and is) produced by the villages themselves, after simple training. This complete independence from importation is a strategic founding characteristic of the initiative. In order to achieve it, various fabrication forms are developed. At first, knowledge on how to create Misola was shared with women with the aim for them to produce the powder at home, for their children. Community fabrication groups (CGF) were set up and animated by trainers. Later, artisanal production units (APU) developed within villages to conceive the powder as a commercial product. Only Misola® elaborated following a precise protocol was branded as such for commercialization. Today, this Misola network extends throughout 52 APUs in five countries – Burkina Faso, Mali, Senegal, Niger and Benin. It gives way to a highly decentralized territorial grid, deployed in relations with public food programs and the authorities in charge of local planning. Some CFGs however continue to exist and allow the Misola fabrication technique to be taught domestically, through a nutritional education approach.

The other innovation associated with the development of this initiative is the use of Misola® brand, deposited and possessed by the Misola association. Indeed, - unlike the usual practices in this field -, the brand is freely transferred to any user (in practice, the APUs) who commits to respect a fabrication charter and be controlled on a regular basis. This label insures the control and maintenance of the product's quality and gives way to the constitution of an open network (in continuous growth) of federated APUs that respect the rules enacted by the "Misola Charter". In this way, the brand is used not as an instrument of exclusion but as an instrument of inclusion to develop and promote the distribution of the product in a highly decentralized approach, closest to the communities that consume it.

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This first analytical level of the three organizations sheds light on the singularity of their emergence, the development of their activities, and the innovations that characterize the fabrication and distribution of their products against malnutrition. It opens the way towards a deeper study of these experiences' underlying "models". What are their specificities, their differences or similarities? To what extent do they reveal innovative governance approaches in the ecosystem of actors fighting malnutrition? What are their contributions and their limits?

3. Three Contrasting Governance Models

The observation of the statuses and governance modalities respectively set up by Nutriset, Nutri'zaza and Misola allows us to reveal very distinct "enterprise models". Analyzing these models proves quite insightful with regards to their alignment with the objective of access

to nutrition. Indeed, what distinguishes the Nutriset "entreprise à mission" [company with a mission] and the social enterprise Nutri'zaza highlights different ways of organizing a business around a social/societal cause. It also echoes Misola's pending questions concerning the creation of a new entity which would connect the association to the social enterprise ecosystem (see below). More generally, these considerations will illustrate how the objective to fight malnutrition supposes the creation of entirely new "forms of societies" [19] aiming towards the promotion of access.

3.1 Nutriset: from a family business to a "company with a mission"

Via the Plumpyfield network, Nutriset deploys itself galactically through franchised entities on different continents. It is at the center of a network that assures the promotion of other companies in the agri-food sector, including the Onyx development group. Originally, however, Nutriset presented itself as a simple family business with the classical status of a "simplified joint stock company".

In the 2000s, as Nutriset increasingly engaged itself in producing highly technological products to fight malnutrition, and as contexts changed, it decided to change its status to that of a "company with a mission". In the French business landscape, this status was very new then (Levillain, 2015; Levillain, 2017). Various elements motivated this change. First, humanitarian actors lowered the confidence expressed towards commercial companies positioning themselves in the fight against malnutrition. Second, Nutriset's influence in the institutional network of international organizations decreased, in part due to the fact that these organizations increased their support to solutions based on local food production. Last, the company was both in a movement of rapid growth and extension of its product range. All of these changes motivated the governing board to open up Nutriset's capital outside of the Lescanne family, while thinking about the evolution of the company's model in order to secure its social ambitions. In 2015, Nutriset decides to become the first French company "with a mission", whose status as an "expanded corporate purpose organization" (ECPO) allows it to associate the search for profit with social objectives (Lescanne in Segrestin & al., 2015).

This new status, not very developed in France, is inspired by company types deployed across the Atlantic. As early as the 1980s, companies with "hybrid" statuses emerge in the United States, especially in the fields of high-tech and environment. Their goal is to protect these societies' directors from an overly narrow control by stockholders who may, under the name of fiduciary obligations, condemn them as soon as the company's management moves away from the strict pursuit of profit. These new statuses allow companies to pursue social and environmental missions in addition to profit. American law also imposes the creation of a committee of independent experts who has the responsibility to verify that the objectives of the social mission have been reached (Levillain, 2015; Levillain, 2017). In France, the transposition of these statuses operates experimentally, without a fixed

19. "Forms of societies" refer to the nature of the partnership agreement that links the initiators of an enterprise, rules their relationships, defines governance principles and establishes the powers of the moral personality of the enterprise that this agreement gives birth to. Cf. *infra* where different forms of societies are presented and analyzed.

legislation[20]. As a consequence, when Nutriset adopts this change in its model, its obligations are limited.

Upon changing its model, Nutriset includes in its statuses a social object that consists in "bringing efficient solutions to the problems of nutrition/malnutrition". The company's mission explicitly states the importance of leading pioneering strategies and taking risks in order to pursue this social object. It also establishes a number of solidarity engagements with regards to its collaborators and civil society. In addition, the company's mission makes the externalization of activities that do not fit in its mandate towards other legal structures mandatory. Thus, if its research and development activities lead it to useful discoveries in a sector different from nutrition, distinct entities must be promoted.

Through this change, Nutriset transforms its governance modalities with the aim to conciliate the company's current leadership with the values of its founders. In this spirit, Nutriset sets up an independent commission, different from its administrative board, in charge of evaluating the respect of its mission and providing an annual report of this evaluation to the stockholders. If this governance is inspired from the American Flexible Purpose Corporation as described above, the role of the commission is essentially consultative, as opposed to the commissions imposed by American law. The commission does not have access to information on the company's treasury, and the origin and affectation of its financial resources towards its mission. It shares its opinion with the board like a "council of elders".

The evolution in Nutriset's model is therefore innovating, but the importance of the changes induced must be put in perspective. Their range is relatively low as long as a consistent ECPO status, giving genuine and prerogative rights to the independent commission, is not affirmed under French law. In addition, while Nutriset's results are positive, its economic model solely based on orders by development banks makes it fragile on the long-term.

3.2 Nutri'zaza: a hybrid company model with an "exclusive social purpose"

Recipient of the 2015 solidary finance price, Nutri'zaza is quite unique. A limited company under Malagasy law, its will, inscribed in its statuses, to exclusively dedicate itself to a social purpose has led it to be at the origin of hybrid and original company "model".

The will to mobilize capitals to upscale its activities and achieve financial autonomy led to the creation of the company. In order to set up a governance model that protects the social ambition of the Nutrimad program, Nutri'zaza found inspiration in two traditions: the notion of "social company" as conceived in the tradition of social and solidarity economy (SSE), and that of social business in the American tradition, as conceptualized by Muhammad Yunus (Yunus & al., 2010). To this, and although its creators do not mention it explicitly, we may add that Nutri'zaza also presents a number of key elements found in "companies with malgachea mission" as described above.

20. Until recently, French law clearly divides companies' statuses between those pertaining to the commercial sector and those associated to social and solidarity economy (SSE). The idea that companies may declare "a mission" has appeared very recently and timidly.

From the SSE and the cooperative model, Nutri'zaza's founders retained the devices that allow them to marginalize or cancel the power of capital in order to promote the company's social purpose oriented towards solidarity. In this way, a very precise social purpose, giving way to little diversion, is defined in the company's constitutive statuses. The company indeed aims to "serve a societal cause, the fight against malnutrition, by bringing a nutritional solution for young children and other vulnerable groups in the Malagasy population" and (to do this) "*develops a network of baby restaurants (hotelin-jazakely) set up by the Gret's Nutrimad program; [as well as] the commercialization of Koba Aina (…)*"[21]. The statuses otherwise indicate that "*Nutri'zaza is a company with a social purpose: it aims to make its product as available as possible for families, especially underprivileged populations, while reaching financial return*". This social purpose is reinforced by the company's engagement within the Malagasy national food program, where it serves as a relay and support to public food services. Following these dynamics, Nutri'zaza has extended its sales range to products designed for school children, adults with deficiencies, as well as children suffering from moderate acute malnutrition.

While inspired in part by the cooperative model, Nutri'zaza also draws on the idea defended by Yunus in the social business tradition according to which stockholders can be remunerated only up to their level of investment, without touching a single dividend once the initial fund is reimbursed[22]. To materialize these engagements, Nutri'zaza builds itself on a "pact of stockholders" corresponding to new partners compared to the Nutrimad program. In addition to the Gret, two new investors join themselves (I&P, SIDI), an association (APEM) as well as TAF, the company that makes Koba Aina. Two financial partners (AFD and Find) support the company's development. The company's statuses stipulate that it cannot distribute its benefits to the stockholders and has the obligation to place profits in its social capital[23] or in investments that may extend and increase the efficiency of the distribution network.

In addition, Nutri'zaza possesses an Ethics and Surveillance Committee (ESC) charged to overlook its objectives and assure the impact of its action, based on a number of predefined criteria. The ESC is composed of around ten members, past Nutrimad partners as well as personalities "recognized for their implication in the town's economic life" proposed by its director-general. It functions in complete autonomy and is distinct from the executive board. The annual report it produces for stockholders is a genuine social impact report based on a series of indicators (number of dishes sold, hotelins' penetration rates, consumption frequency, weight levels). This report's nature, whose content is pre-decided, gives the ESC a key position, that of the guardian of the company's social purpose.

The multiple inspirations that led to the Nutri'zaza model accentuate its hybrid character. Because of the constitutional presence of the ESC and major role attributed to this committee, it does not stem from social business as classically understood. In addition, the decision-making power given to its executive board and director (like in a classical

21. These elements constitute the company's social purpose as extracted from the « White Book » on the Nutri'zaza experience, written by its founders and described in Coriat & Toro (2019b).
22. The purpose of this model is to largely mobilize capital (as invested sums are covered, sometimes with interest) while not allowing stockholders to take ownership of the value that is created.
23. This refers to the notion of "un-shared funds" that characterize cooperatives.

company), as well as the impossibility to distribute all forms of profit distinguish Nutri'zaza from the model of cooperatives. The presence of a social purpose defined not only as "complementary" to the pursuit of profit, but as the company's central and unique purpose, makes it differ from companies with a mission/ECPOs. On a strictly conceptual point of view[24], on paper, the proposed model is highly innovating. Its hybrid form refers to different aspects of social companies resulting from diverse traditions. It allows us to characterize a new model which we are tempted to call, in order to distinguish it from the ECPO model, an "exclusive social purpose organization" (ESPO)[25].

Such a status could therefore combine the four characteristics noted in this study: i) a social or environmental purpose defined as central or unique, (and not understood solely as "complementary" to the pursuit of profit); ii) the engagement of not distributing dividends; iii) an independent surveillance committee with genuine powers, in charge of overlooking the respect of the company's social mission; iv) a pact of stockholders who validate the preceding principles at an institutional scale.

3.3 Misola: what type of social company would be complementary to the association's action?

The Misola experience and its governance model is different from the two previous examples on many aspects, especially with regard to the initiative's associative nature. With its headquarters in Calais and a handful of delegations around France and Belgium, an association pilots the overall network with the support of its members, a vast majority of whom are volunteers, mostly retired individuals. However, despite the fact that it is not a company, commercial transactions take place in many of the association's activities. In every country where Misola operates, a national structure supervises all of the artisanal production units (APU), which gives the association a federal model. The APUs themselves are often led by women cooperatives within the villages, which constitutes yet another originality of this model.

In terms of governance, beyond the model's associative character, two elements of the Misola project deserve special attention. On one hand, the aim is to better understand and characterize the APUs' models (i); on the other hand, the aim is to question the challenges that a "big production unit" would face as part of the Misola ecosystem (ii). This unit, whose construction is being considered, would constitute an entirely new and original entity within the Misola world, likely to modify its equilibrium. These two elements are developed below:

i) The purpose of APUs is to fight child malnutrition, the social objective established within the Misola charter. They do not make any profit from their activities and do not engage with the distribution of dividends. Also, they orient their activities in order to integrate them within the programs deployed by local authorities.

24. We choose our language with caution because, at this stage, and although the 2017 performances are encouraging, it is too early a stage to rule on the successful nature of Nutri'zaza's objectives.
25. The notion of "social purpose" includes environmental ambitions. ECPO could therefore encompass companies with "societal" exclusive purposes, either social or environmental.

While accomplishing their mission, these units benefit from three contributions: *i)* that of the local medical authorities who supervise their activity and allow the local group to integrate its action within the larger public health project against malnutrition*; ii)* that of a women's association, sometimes in the form of a cooperative, who has adhered to the Misola Charter and is in charge of the fabrication, management and commercialization of the powder, in an objective to promote women and their access to income; *iii)* last, that of an association, necessary to insure the funding and investment for APUs or the community fabrication groups (CFG) to develop.

With regards do the model that serves as the basis for these contributions, one may note that the APUs operate in a manner that is quite similar to that of the ECPO model identified in the Nutri'zaza case. A remarkable point is the way in which this model, or rather "ideal type", may materialize itself in very different forms, from a social company to a quasi-cooperative.

Because of its success – as well as the limits it faces – the Misola project is today meant to evolve. Two limits especially have been observed. First, the existence of two production modalities – APU and CFG, producing respectively commercial and free products – can be the source of ambiguities. Although the powder produced by CFGs for auto-consumption is not labelled Misola, as opposed to that of APUs who have signed the charter, this coexistence can lead to confusion when both structures are present on the same territory. In addition, it has been observed that the associations in charge of APUs are encouraged to initiate productions to satisfy product demands by the association. This prevents them from confronting their product to the market and the disposal of their stock is guaranteed before it is even produced. Beyond these concerns, the project's success has also revealed other limits, including its difficulty to upscale its production when it participates in national, international or NGO calls for proposals requiring important volumes.

ii) In order to respond to orders on important volumes, Misola must mobilize different APUs within its network and face extra costs linked to transport and coordination. Today, Misola is confronted with the potential evolution of its model, especially to respond to the needs of international organizations, including the WFP, who have decided to make Misola® one of their products of intervention.

Stimulated by the rise of its institutional market, Misola is encouraged by different development banks to set up a "big" company that could have the status of a "social company". The association also questions the possibility to transform APUs in microenterprises managed as such. Under this hypothesis, Misola would expand its range of products and find itself on the market of RUTPs. This evolution would require important levels of funding and a rise in its volume production capacities. It would also mean that these products must be validated by the Codex, requiring upscaling in their quality and changes in their packaging[26].

These are currently emerging considerations but deserve to be mentioned, as the risk of destabilizing the overall model is quite real. In light of what has been described before, it

26. Current packaging is conceived for short-term stocks, as the products are meant to be consumed locally at a relatively fast scale.

seems that there is no foregone conclusion and that, if a big unit is created, everything will depend on the judicial specifications that are retained. Promoting a "social company" does not mean and imply anything in itself. What stockholder forms will be adopted and on what criteria will investors be selected? Will the company's "social" purpose be defined as "exclusive" or only "complementary" to the pursuit of profit? Will dividends be distributed? How will an effective surveillance committee be set up, and what will be its powers?

All of these questions may feed into Misola's discussions. Here, as in the previous case studies, the institutional forms that are set up are of the utmost importance. They play a key role in achieving the objective of access to (here, food) resources for the most vulnerable populations.

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Nutriset, Nutri'zaza and Misola illustrate different and contrasting models with regards to the fight against malnutrition. These models have built themselves in innovative ways around the conception and distribution of products. If many elements differentiate them, together, they invite us to globally question access to nutrition. How do they (or not) respond to the highly acclaimed "right to food"? Bringing our attention more closely to the question of access, central in a commons' approach, constitutes a further step in our discussion.

4. Guaranteeing the Right to Nutrition : « Commons » as a New Narrative and Set of Practices

The case studies analyzed above confirm a number of proposals that may be summarized as follows:

1) The dominating mode taken up by companies for many decades – treating food like any other merchandise – has led to the massive exclusion of numerous populations in acceding to these essential goods. In parallel, these translate into the development of consumption practices that may negatively impact consumers' health. The situations described in our case studies are only illustrations of the fact that today, still about one billion people – 1 person out of 9 on the planet – suffers from malnutrition. This is due to the fact that hyper concentrated and highly capitalistic food markets are in no way oriented in order to satisfy essential needs. The coexistence of high profits margins in mega-powerful agri-food groups at the global level and the persistence of malnutrition is a fact, since the very origin of the agroindustry[27].

27. The recent FAO report (2019) confirms this argument.

2) The right to food proclaimed and reaffirmed in precise, detailed international protocols and conventions has not succeeded in protecting populations exposed to malnutrition. One may worry that the proclamation of new rights and objectives (which would only be reiterations of the right to food) would not translate – or quite imperfectly – into effective action. In addition to the global food market's organization as previously described, two other reasons justify this pessimistic point of view[28].

The first reason is that "human rights" (especially when they consist on "social rights") are still today considered as "secondary" rights. Property right in its exclusive form, as it stems from free trade agreements (today the World Trade Organization's (WTO)), exercises a primacy and domination on social rights.

The other motive for this failure lies in the fact that the subject towards which international law is directed is not the person (to which the right to food is theoretically attributed) but the national State. However, this latter is always defined as sovereign in the application of the laws to which it must submit itself, and can in this manner escape the constraints it is supposed to have joined in signing international treaties and conventions. This second reason, combined to the first, largely explains the narrow space left for the application of social rights recognized to individuals. This is worth for the "right to food" which does not impede the repeated and persisting situations of malnutrition, under various forms, whatever the strength by which it is affirmed at a purely formal level.

This situation explains why a new paradigm and narrative are underway: that of making food a common good[29]. This discourse is held by multiple actors: from NGOs to groups constituted to value the development of agriculture under its "subsistence" form, through the revitalization of "short production and distribution circuits". On this aspect, the recent book coordinated by Vivero-Pol & al. (2019) is an inflection. It offers contributions ranging from theoretical to applied studies, all aiming to make food a common (good).

The question of access is at the heart of this new paradigm. Making food a common good first and foremost means working to provide and guarantee access to food, for all people, beginning with fragile and underprivileged communities.

This paradigm is by no means in opposition with the fundamental inspiration that led to the formulation of a right to food. Taking act of the practical limits of this right, it attempts to reformulate its realization on other basis and using other means, by no longer letting it depend on the good (or not so) willingness of States to fulfill their engagements.

28. For the identification and description of these reasons, we largely base ourselves on the work led by Ziegler and his team (Ziegler & al., 2011), already mentioned. Convincing analysis of the global food industry's inability to satisfy essential needs can also be found in the recent book coordinated by Vivero-Pol & al. (2019).
29. Let us briefly remind that a commons' approach refers to an approach in social science which, following the work of political scientist Elinor Ostrom, who won the 2009 Nobel prize in economy, looks at the governance modalities set up around shared resources (Ostrom, 1990 ; Coriat, 2015). A common is the way a community of users/of interest emerges around material or immaterial (or to constitute these) resources, and sets up norms and protocols that allow the shared utilization of these resources while preserving their ecosystem. If this research field first focused on the local management of natural resources (underground water, forests, pastures, fisheries, etc.), it later extended towards a large range of material and immaterial resources such as free software, shared gardens, collaborative platforms (Alix & al., 2018 ; Cornu & al., 2017). Furthermore, this approach also developed around the notion of common goods (cf. note 2 above) of which a central characteristic is that they suppose – once they are recognized and declared as such – setting up rules that guarantee their universal access, preservation and production for the benefit of future generations.

Substantively, the right to food, in its complete definition as recorded at the beginning of this article[30], is in complete coherence with the idea of treating food like as a common good. From this definition stems a series of attributes of the right to food, including the principles of availability, accessibility and sustainability. These attributes may yet be developed, but that is not the key issue. What lacks in the approach by the Universal Declaration of Human Rights, and thus in the right to food, is not its theoretical content, but **the absence of efficient mechanisms allowing this right to take effectivity**. Making food a common good resides less in the content of law as previously defined then in **the practical protocols set up to successfully give access to food** to all. Making food a common good is above all thinking out the conditions to institutionalize this right.

While the right to food as defined in international agreements puts the realization of this law on the shoulders of States, themselves excepted to defend different rights and interests, making food a common good aims to make the access to necessary food a "first-class right" to which public policies must obey. Declaring food as a common good **calls for the constitution and promotion of multiple initiatives, emanating from civil society, that aim to construct networks of production and distribution of food that set the access to these resources by all at the heart of their action**[31].

More generally, the condition of access can only be realized if new institutional devices are promoted. These latter contribute to re-orienting the food production and distribution systems in order to satisfy the goal of guaranteeing access to these goods by all.

We propose to reevaluate the case studies in this light. Thought and developed to bring solutions within the loopholes of private food circuits and public policies, how do these experiences promote the access to food? What challenges do they reveal? What path do they invite us to follow in order to make food a common good?

4.1 What access conditions?

From our three case studies, multiple and contrasted lessons can be learned with regards to the question of access. In Nutriset's case, the proposed solution targets availability, understood rather restrictively, rather than access. The firm worked to create a product that was until then not available in the fight against acute malnutrition. To do so, it innovated in two central points linked to each other: *i)* first, by conceiving a product whose efficiency had never been reached, operating a shift with regards to other products on the market, and *ii)* second, by giving this product a specific "form", a concentrated dough with an elaborate formula, thus allowing the product **to be distributed away from health centers, freeing its access from the costs of medical personnel and equipment**. In this sense, if we think in terms of "physical availability", Nutriset's contribution's is far-reaching:

30. *"The right to adequate food is realized when every man, woman and child, alone or in community with others, have the physical and economic access at all times to adequate food or means for its procurement"* (General Comment No. 12. The Right to Adequate Food (Art. 11) – alinea 6, cited by Ziegler & al., 2011, p.17).
31. Concerning the public policies that must favor, strengthen or relay these decentralized initiatives, we may come back to the FAO's initial intuition that consisted, since its origin, to *i)* promote subsistence agriculture and *ii)* oversee the equal distribution of food resources among human beings (Cf. introduction of this article).

the firm created a completely new product and it made its access possible in lighter conditions.

However, the firm's contribution stops there. The rest, especially the protection policies constructed by intellectual property rights (patent[32] and brands) and the labelling of firms habilitated to elaborate products under Nutriset's control, reveal practices that belongs to traditional business practices. They have in no way facilitated the access to these products by populations suffering from malnutrition. The product's very high price (made possible by patents[33]) allows its distribution to populations only in the form of donations. **Access to these products therefore solely depends on international organizations' willingness and ability to buy and distribute them**. In addition, while local sale units are present in the Southern hemisphere, the production of key components of the products is highly concentrated on French territory. Its distribution is thus dependent on importation and in no way contributes to the autonomy of local actors. The "Nutriset model" – whether in terms of fabrication, distribution or price policies – therefore presents serious limits with regards to the question of access.

The Nutri'zaza and Misola cases, while quite different, bring other perspectives and share some characteristics. In both cases, the food products **strategically rely almost fully on local ingredients and target autonomous fabrication, acceptability and appropriation** by local populations. This essential point (combined to other aspects of the models)[34] contributes to keeping prices at a very low level compared to market prices, favoring the financial accessibility of the products by target populations.

In addition, in both cases, different specific tools have been imagined and set up to facilitate the distribution of the product in order to connect it to target consumers. In Nutri'zaza, this takes place through the network of hotelin whose mandate is to bring the dough, as far and as fast as possible in areas where needs have been observed. In the Misola project, fabrication and distribution take place as close as possible to needs, **within the villages themselves**, where products are directly consumed in the case of CFGs, or consumed within the micro-region in the case of APUs.

In Misola's case, intellectual property policies, instead of being used traditionally in order to exclude[35] or assure a monopoly, are completely designed to serve access and food autonomy. The Misola® brand, as seen previously, is utilized with this objective in mind. Obtaining the brand is free and the "conditionality" that must be met to obtain this brand

32. After their recognition by the international institutional ecosystem, Nutriset products were rapidly subject to a complex distribution of intellectual property. This led, in 1997, to a patent being filed in co-property between the IRD and Nutriset, the two conceptors of Plumpy'nut™ in technological terms. While this patent was not debated before 2005, it then began fueling disagreements between Nutriset and certain NGOs. These latter declared that it prevented the diffusion and use of strategic information on products that had become cornerstone in the fight against severe acute malnutrition. The question was made even more sensitive by the fact that the company does not really have "clients", since almost all of its products are bought by international organizations, themselves funded by States. This strict defense polity associated with the patent is somewhat relaxed in 2010 by the declaration, under certain conditions, of its openness to third parties. This openness is however very relative and only slightly modifies the model, arriving after the company had set up its Plumpy'field network of licensed producers. The only competition will come from foreign producers who little by little offer products similar to those of Nutriset (Coriat & Toro, 2019a).
33. Complex agreements provide for parts of the royalties perceived by sales to be given to IRD, on behalf of intellectual property, as it was a co-inventor of Plympy'Nut®. This in no way modified the limits of access to the RUTP.
34. Here, we imply the original "forms of society" set up by Nutri'zaza and by Misola, presented in section III.
35. As a reminder, the fundamental right attached to a patent is the "right to prohibit" third parties from using the invention subject to the patent.

only serves to guarantee: i) the quality of the products (they must respond to certain criteria and be regularly controlled) and ii) its local territorial inscription (APUs must sell all their stock). The brand can in this way be obtained by associations who file an application to the national structure mandated by Misola's executive board, after signing the Misola Charter. By building its action around nutritional education and the establishment of a federated APU network through the brand, **Misola manages to make intellectual property serve the common good, and access.**

4.2 Practicing innovation with the support of a multi-partnership and the commons

The conditions underlying the innovations in the way the products are elaborated reveal some strong specificity.

Even Nutriset, which on other aspects of its policies proves to be quite "classical", demonstrates a highly innovative approach in conceiving its product. The elaboration of the Plumpy® product range (starting with Plumpy'Nut™) would probably not have been possible without the mobilization of experts from very different horizons (researchers, nutritionists, doctors, IRD experts, co-inventors of the formula). Common research was fueled by guidelines formulated very specifically by NGOs in order to respond to populations' needs. Once the products were conceived, they were empirically validated on the field (and sometimes adapted and modified) thanks to the collaboration with these NGOs, including Action against Hunger and Doctors Without Borders, with the participation of national health authorities. This spectrum of stakeholders with different skills, as close to needs as possible, is a typical marker of "open innovation", a characteristic often found at the heart of innovation practices developed by Product development parnerships[36].

Nutri'zaza and Misola also illustrate, each in its own way, the importance of partnerships created around the conception and distribution of products. The heart of the Nutri'zaza project is characterized by a multi-partnership between the Gret, IRD, TAF and many investors[37]. All these actors share a common societal engagement and no lucrative placements. In the Misola case, the experience begins with a narrow relationship with public health authorities. Like for Nutri'zaza, the participation of nutritionists in the conception of the product is key.

In addition to this, both Nutri'zaza and Misola show that innovation policies arise from the fact that solutions become endogenous on the long run, through a trial-and-error process. Nutri'zaza became possible only because the company **inherited from almost ten years' practice from a project elaborated through a partnership between an NGO and a multiplicity of local actors**. Misola also developed its network slowly, close to needs, through a highly decentralized and long-term approach. This progressive construction of activities with partners unconcerned about short-term profitability must be underlined: the Gret, that gave birth to Nutri'zaza, and Misola, are both organizations that benefit from subsidies. The ability to build around oneself networks of solidarity to "serve" common good cannot be improvised. It can only be the result of mature and thoughtful practices.

36. PDPs are entities set up and instigated by the World Health Organization to favor the production of drugs to treat neglected diseases. These entities often use "open innovation" processes (Abecassis & al., 2019).
37. As described above: AFD, Gret, the I&P (Investors & Partners), SIDI, APEM and TAF (Coriat & Toro, 2019b).

A last point that deserves to be commented is the fact that both Nutri'zaza and Misola deploy themselves as "relays" for public services. They come sometimes as a complement, most often as a compensation for the deficiencies of the policies in charge of guaranteeing access to nutrition and the right to food, when these latter do not have the means or will to face the policies of big agri-food multinationals.

4.3 "Company forms": original institutional innovations required to reach the common good

Upon considering the "company forms" set up and deployed, a series of observations must be made. It seems to emerge from our studies that the objective to assure access to essential goods for the most fragile populations supposes the setting up of institutions and specific devices.

In most cases, **these entities insert themselves within commercial transactions and aim economic equilibrium. However, the policies that follow are in no means dictated by price signals**. In the case of Nutri'zaza and Misola, the company forms installed – although concerned about reaching economic equilibrium[38] - are first and foremost conceived to assure to all the access to goods considered essential. It is in this sense, through the creation of original institutions conceived for this objective, that they contribute to making food a common good.

In this way, Misola, thanks to all the institutional innovations it has sparked (association networks, APUs, CFG, "open" brand), can be qualified as an instrument deployed to serve the common good. Nutri'zaza, with its hybrid governance model, also embodies an institutional creation made to reach objectives defined for their social utility and the satisfaction of a common good.

These examples therefore reveal the strength and spectrum of hybrid governance models that fuel the dynamics which, step by step, aim to institutionalize essential resources (health, food, etc.) as common goods, *i.e.* goods for which the access by all, especially underprivileged populations, is assured.

V. Conclusion: Instituting the Common Good

If the institutionalization of the common good depends on the access that the most fragile populations have towards essential resources, a series of considerations must be underlined at the end of this analysis:

38. In the case of Nutri'zaza, this concern is explicit as the company was conceived in order to respond to it. In the case of Misola, the project of building a "big production unit" capable of responding to international calls also echoes the will to assure and reinforce its activities by its own means.

i) The first set of considerations concern the nature of such goods, and conditions under which they are obtained and distributed. Concerning nutrition, the first element that must be taken into account is the availability of food in quantity and quality. Are conditions assembled so that populations can, by their own means, locally produce these necessary goods? This presupposes that the availability of production modes – starting with land – is assured. The Misola example, which aims for local autonomy, is emblematic of a policy that strives for populations' "direct" access to food. Nutri'zaza, provides yet another example of how **the pursuit of common good supposes specific and adapted institutional forms that deal both with the product itself and its distribution**. The conditions for realizing access must thus be taken fully: the product must be physically available, accessible to those in need, and permanently reproducible.

ii) But these "physical" conditions are only one dimension: for physical access to succeed, a number of "social" conditions are always required. The first one concerns **the property forms distributed within the ecosystem(s) that wish to contribute to the common good**. Here, like in the case of medication and health as examined by Abecassis & al. (2019), a point of interest is the manner by which different attributes of property right serve research for the common good. Nutriset and Misola provide opposite examples. Despite its contribution to "physically" bringing to the market a solution against the most severe form of malnutrition, Nutriset, as soon as it patented and protected its activities through different means, placed itself out of the picture of the institutionalization of access. It only comes back to it through third parties capable of covering its products' high costs. On the opposite, Misola strongly innovated by using intellectual property (the Misola® brand) as a tool for knowledge-sharing and to guarantee the quality of products made within villages, promoting food autonomy in rural zones. Here, property is no longer an instrument used to exclude; on the contrary, it serves inclusion. It builds around a policy focused on guaranteeing access. Similarly, and although Nutri'zaza stems from classical commercial Malagasy law, it managed to put access at the heart of its action through its stockholder charter, definition of a social object and surveillance committee. These cases show that the question of property must not be fetichized; it must be seen as subject to the objective of access to all, and treated as such.

iii) Finally, and this is perhaps the most important lessons from these studies: the company form of entities created to realize the common good is of the highest importance. In a world dominated by extremely powerful multinationals, themselves governed by the pursuit of the maximization of shareholder value, **only the creation of innovating entities, turned towards satisfying social needs, can pave the way for guarenteeing universal access to goods judged as essential**. Whether it be Nutri'zaza – a very particular "social" entreprise that statutely prohibits to redistribute its profits – or Misola – deployed as an archipelago of associations and cooperatives – it is the particular form set up by these entities that make the perspective of access possible. The fact that these "dedicated" forms are unable, by themselves, to guarantee universal access to essential goods, does not change the overall message. And the fact that, in most cases, complex devices are set up, mixing private entities and public policies to initiate or accompany the development of

these initiatives[39], does not change the fact that **the institutionalization of common good presupposes that dedicated entites are set up, with forms and policies that are adapted and thought out to satisfy the objective of universal access**.

We can formulate this with the following dual proposal: *i) the pursuit of the common good cannot be done without a policy to institutionalize access; ii) there is no such institutionalization of access without the promotion of entities dedicated to accomplish this common good*. Precising that these entities, even when they are engaged in commercial exchanges, operate "outside of the market signals requirement", aiming the pursuit of the satisfaction of social needs identified as such, away from the quest for profit.

However complex, this is the way forward. There will be no institutionalization in the pursuit of common good without the construction of commons. The relation between "common good" and "commons" is in this way remarkably complementary and necessary. These case studies show that the creation of specific institutions, conceived juridically and economically to respond to a social project and guarantee access to resources, is a key moment in the construction of commong goods. The chief lesson from this study can thus be summarized as follows: "*No common good(s) without commons!*"

39. Vivero-Pol & al. (2019) present such a case where public entities and private companies, market-based and non-market modes, are linked, revealing what an agri-food world serving the common good could look like.

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Directeur de la publication Rémy Rioux
Directeur de la rédaction Thomas Melonio

Conception et réalisation Denise Perrin, AFD
Création graphique MeMo, Juliegilles, D. Cazeils

Imprimé par le service de reprographie de l'AFD
Dépôt légal : Janvier 2020
ISSN 2492 – 2846