

Micro, Small and Medium-sized Enterprises, (MSMEs) and ADR: Ensuring Effective Governance and Conflict Management for Economic Growth, Sustainability and Decent Work for All

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Micro, Small and Medium-sized Enterprises (MSMEs) and ADR: Ensuring Effective Governance and Conflict Management for Economic Growth, Sustainability and Decent Work for All

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Abstract

This paper critically appraises how Alternative Dispute Resolution (ADR) can be utilised to ensure effective governance and appropriate conflict management for MSMEs. The paper notes that MSMEs face unique governance challenges that can undermine their growth and success. It examines some of the key obstacles faced by MSMEs. In addition, the paper argues that given their extreme vulnerability, effective governance and conflict management is crucial towards empowering MSMEs. In particular, the paper notes that ADR provides an appropriate tool towards fostering good governance in MSMEs. It explores how ADR can be utilised to ensure effective governance and conflict management for MSMEs towards economic growth, sustainability and decent work for all.

1.0 Introduction

Micro, Small and Medium-sized Enterprises (MSMEs) are business entities categorized according to the number of employees, their annual turnover, the number of years incorporated and invested capital, among other metrics with this classification varying across regions and countries¹. The United Nations observes that MSMEs are the backbone of economies globally, representing more than 90 per cent of businesses and contributing significantly to employment, livelihoods and economic growth². These enterprises account for the largest proportion of businesses worldwide and are important contributors to job creation and global economic development³. In particular, it has been observed that MSMEs are key sources of jobs, income, and local growth—especially for vulnerable groups including women and the youth⁴. These enterprises can enhance access to decent work for economically excluded individuals in the labour force including youth, women, persons with disabilities and those with low levels of education⁵.

MSMEs therefore play a crucial role in promoting economic growth and decent work for all. The International Labour Organization (ILO) notes that MSMEs are central to the promotion of decent work, economic growth and social justice towards Sustainable Development⁶. In particular, it has been observed for developing countries, MSMEs are central to economic diversification,

¹ African Union., 'African Union Definition for MSMEs: As adopted by African Ministers of Trade & Industry' Available at https://au.int/sites/default/files/documents/44211-doc-MSME_Definitions_in_Africa_Red.pdf (Accessed on 15/07/2026)

² United Nations., '2026 Theme: Empowering MSMEs through Innovation and Sustainable Industrial Development' Available at <https://www.un.org/en/observances/micro-small-medium-businesses-day> (Accessed on 15/07/2026)

³ World Bank Group., 'Small and Medium Enterprises (SMEs) Finance' Available at <https://www.worldbank.org/en/topic/sme/finance> (Accessed on 15/07/2026)

⁴ United Nations., '2025 Theme: Enhancing the role of Micro-, Small and Medium-sized Enterprises (MSMEs) as drivers of Sustainable Growth and Innovation' Available at <https://www.un.org/en/observances/micro-small-medium-businesses-day#:~:text=Supply%20chain%20issues%2C%20higher%20costs,and%2050%25%20of%20GDP%20worldwide.> (Accessed on 15/07/2026)

⁵ Mulae. E., 'The Micro and Small Medium Enterprises Development in Kenya' Available at <https://www.tralac.org/blog/article/15863-the-micro-and-small-medium-enterprises-development-in-kenya.html> (Accessed on 15/07/2026)

⁶ International Labour Organization., 'Micro, Small and Medium Enterprises' Available at <https://www.ilo.org/topics-and-sectors/micro-small-and-medium-enterprises> (Accessed on 15/07/2026)

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productivity, and poverty reduction⁷. For example, the African Union notes that MSMEs are pivotal to Africa's economic development, serving as the backbone for industrialization, decent work, structural transformation, and poverty alleviation⁸. The African Union notes that through effective governance, MSMEs can accelerate progress towards realising the goals and aspirations of Agenda 2063 and the Sustainable Development agenda⁹.

From the foregoing, it is evident that MSMEs are crucial for global economic development. It has been argued that their size and flexibility can help build strong, fair, inclusive and sustainable economies and communities¹⁰. Despite playing a key role in unlocking economic growth, sustainability and decent work for all, MSMEs face unique governance challenges including high vulnerability to disputes¹¹. It has been observed that given their size and limited resources, effective governance and conflict management is key towards ensuring the success of MSMEs¹².

This paper critically appraises how Alternative Dispute Resolution (ADR) can be utilised to ensure effective governance and appropriate conflict management for MSMEs. The paper notes that MSMEs face unique governance challenges that can undermine their growth and success. It examines some of the key obstacles faced by MSMEs. In addition, the paper argues that given their extreme vulnerability, effective governance and conflict management is crucial towards empowering MSMEs. In particular, the paper notes that ADR provides an appropriate tool towards fostering good governance in MSMEs. It explores how ADR can be utilised to ensure effective governance and conflict management for MSMEs towards economic growth, sustainability and decent work for all.

2.0 Challenges Facing Micro, Small and Medium-sized Enterprises (MSMEs)

MSMEs face several governance challenges that can hinder their effective operation and financial success. For instance, since most MSMEs operate informally, they face limited access to funding and government support¹³. In particular, it has been observed that access to finance is a key obstacle to the growth of MSMEs since they are less likely to be able to obtain bank loans when compared to large firms¹⁴. In addition, given their relative small size and limited resources, MSMEs are highly vulnerable to economic and political shocks¹⁵. For example, supply chain

⁷ World Bank Group., 'SME Finance' Available at <https://www.worldbank.org/ext/en/topic/competitiveness/small-and-medium-enterprises-smes-finance> (Accessed on 15/07/2026)

⁸ African Union., 'African Union Definition for MSMEs: As adopted by African Ministers of Trade & Industry' Op Cit

⁹ Ibid

¹⁰ United Nations., '2025 Theme: Enhancing the role of Micro-, Small and Medium-sized Enterprises (MSMEs) as drivers of Sustainable Growth and Innovation' Op Cit

¹¹ Franceschelli. V., 'Dispute Settlement and Enforcement of IP Rights By MSMEs' Available at https://www.wipo.int/edocs/mdocs/sme/en/wipo_smes_rom_09/wipo_smes_rom_09_1_theme06_3-main1.pdf (Accessed on 15/07/2026)

¹² Ibid

¹³ United Nations., '2026 Theme: Empowering MSMEs through Innovation and Sustainable Industrial Development' Op Cit

¹⁴ World Bank Group., 'Small and Medium Enterprises (SMEs) Finance' Op Cit

¹⁵ International Labour Organization., 'Micro, Small and Medium Enterprises' Op Cit

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issues, high operation costs, and uncertain markets leave many MSMEs at the brink of collapse¹⁶. Further, it has been pointed out that MSMEs struggle with low productivity when compared to larger firms¹⁷. In addition, due to limited size, knowledge and capacity, MSMEs often do not harness opportunities provided by trade agreements such as the African Continent Free Trade Area (AfCFTA)¹⁸.

In addition, since MSMEs struggle with limited finances and low profits, workers may be subjected to poor working conditions undermining the right to decent work for all. In MSMEs, workers may be subjected to low wages, unsafe and unhealthy work environments, and lack of employment benefits¹⁹. The working conditions in MSMEs can violate the right to decent work as envisaged under the *ILO Constitution*²⁰, the *ILO Declaration on Fundamental Principles and Rights at Work*²¹, and the *Occupational Safety and Health Convention*²².

Another major governance challenge faced by MSMEs is the high incidence of commercial disputes. It has been observed that MSMEs are highly susceptible to commercial disputes due to several factors including inadequate access to legal resources and advice, difficulties in negotiating effective contracts, and business regulatory constraints²³. In particular, due to limited financial resources, MSMEs face hurdles in accessing legal advice exposing them to the risk of disputes especially when navigating complex regulatory and legal issues²⁴. In addition, limited finances often lead to disputes between MSMEs and suppliers over payment delays or disputes with business premises over late rental payments²⁵. Further, it has been observed that MSMEs usually find themselves in weaker positions when negotiating contracts creating the risk of contractual disputes arising in future²⁶. There have also been high incidences of disputes between

¹⁶ United Nations., '2026 Theme: Empowering MSMEs through Innovation and Sustainable Industrial Development' Op Cit

¹⁷ A microscope on small businesses: Spotting opportunities to boost productivity., Available at <https://www.mckinsey.com/mgi/our-research/a-microscope-on-small-businesses-spotting-opportunities-to-boost-productivity> (Accessed on 15/07/2026)

¹⁸ Mulae. E., 'The Micro and Small Medium Enterprises Development in Kenya' Op Cit

¹⁹ Corporate vs. MSME: A Nightmare Tale of Two Workplaces., Available at <https://www.linkedin.com/pulse/corporate-vs-msme-nightmare-tale-two-workplaces-swadhin-swadesh/> (Accessed on 15/07/2026)

²⁰ International Labour Organization (ILO), Constitution of the International Labour Organisation (ILO), 1 April 1919

²¹ International Labour Organization Declaration on Fundamental Principles and Rights at Work., Available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_467653.pdf (Accessed on 15/07/2026)

²² Occupational Safety and Health Convention, 1981 (No. 155)

²³ Business Contracts and Disputes., Available at <https://trade4msmes.org/guides/contracts-and-dispute-settlement/> (Accessed on 15/07/2026)

²⁴ Ibid

²⁵ Justice Needs and Satisfaction Survey mSMEs Ukraine., Available at [https://www.hiil.org/research/justice-needs-and-satisfaction-survey-msmes-ukraine/#:~:text=mSMEs%20most%20pressing%20legal%20problems,or%20corporate%20fraud%20\(15%25\)](https://www.hiil.org/research/justice-needs-and-satisfaction-survey-msmes-ukraine/#:~:text=mSMEs%20most%20pressing%20legal%20problems,or%20corporate%20fraud%20(15%25)) (Accessed on 15/07/2026)

²⁶ Business Contracts and Disputes., Op Cit

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MSMEs and regulatory authorities concerning registration, legal status and ownership, a situation that has been attributed to inadequate legal advice and services²⁷.

The foregoing governance challenges can undermine the growth and sustainability of MSMEs. For instance, governance challenges can lead to the collapse of MSMEs affecting access to decent work for women, young workers and entrepreneurs operating in the informal economy²⁸. Further, if not well managed, commercial disputes involving MSMEs can lead to loss of clients, loss of market share, and in some cases, bankruptcy²⁹.

In light of the foregoing concerns, it is imperative to ensure effective governance and conflict management in MSMEs in order to spur economic growth, sustainability and decent work for all.

3.0 Ensuring Effective Governance and Conflict Management for Micro, Small and Medium-sized Enterprises (MSMEs)

Due to their vital role in the global economy, there is need to empower MSMEs in order to promote economic growth, sustainability and decent work for all. In particular, MSMEs can be a powerful vehicle to drive economic growth in developing countries and ensure access to decent work for vulnerable groups including women and the youth³⁰. However, in light of underlying governance challenges and high incidence of disputes, it is imperative to foster effective governance and conflict management for the growth and success of MSMEs.

It has been observed that given their relative small size and limited finances, effective governance is a crucial ideal for the long-term success and sustainability of MSMEs³¹. Good governance can enable MSMEs to build trust and credibility with stakeholders, including investors, customers, suppliers, and regulatory authorities thus helping them navigate some of the challenges they face³². Through effective governance, MSMEs can avoid the risk of disputes, ensure compliance with regulatory requirements, attract finance, and foster a culture of innovation³³. Consequently, MSMEs have been urged to embrace the tenets of good corporate governance including regulatory compliance, transparency and accountability, stakeholder engagement, risk management and strong leadership in order to ensure their growth and success³⁴. In addition, governments can also support the effective governance of MSMEs through appropriate laws and

²⁷ Before, during and after Covid-19: legal problems of mSMEs in Ukraine., Available at <https://dashboard.hiil.org/publications/legal-problems-of-msmes-in-ukraine/#:~:text=mSMEs%20negotiate%20first%2C%20involve%20lawyers,about%20the%20instances%20of%20corruption>. (Accessed on 17/09/2025)

²⁸ International Labour Organization., 'Micro, Small and Medium Enterprises' Op Cit

²⁹ Before, during and after Covid-19: legal problems of mSMEs in Ukraine., Op Cit

³⁰ African Union., 'African Union Definition for MSMEs: As adopted by African Ministers of Trade & Industry' Op Cit

³¹ Mayekar. A., 'Governance for MSMEs: What It Really Means (Beyond Fancy Boards & Meetings)' Available at <https://www.linkedin.com/pulse/governance-msmes-what-really-means-beyond-fancy-boards-aditya-mayekar-ohoqf/> (Accessed on 15/07/2026)

³² Ibid

³³ Ibid

³⁴ Ibid

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regulations that encourage their formation and growth, access to finance, targeted training programmes aimed to build their capacity and enhance access to markets³⁵.

In addition to effective governance, sound conflict management is vital in empowering MSMEs towards economic growth, sustainability and decent work for all. In particular, MSMEs have been urged to embrace appropriate processes for conflict management since the structural and financial position of most MSMEs does not allow them to withstand protracted disputes including lengthy and expensive lawsuits³⁶. It has been observed that the length and costs of lawsuits can impact vital financial resources and time required by MSMEs to grow³⁷. Lack of appropriate and effective conflict management approaches has been identified as a notable challenge that affects the growth and sustainability of MSMEs³⁸. These enterprises often face barriers when trying to resolve disputes with stakeholders such as financial institutions or lenders³⁹. In particular, it has been observed that traditional court processes can be costly, time-consuming, and complex for MSMEs to navigate, which makes it hard to enforce contracts or resolve financial disputes quickly⁴⁰.

MSMEs therefore face several obstacles in accessing justice. In particular, complex legal processes, high costs associated with legal representation, court fees, and other expenses related to litigation discourages these enterprises from pursuing litigation leaving them vulnerable to injustices⁴¹. In addition, it has been observed that financial constraints, limited awareness of available legal options and power imbalances impede the ability of MSMEs to effectively navigate legal systems and processes⁴².

In light of the forgoing concerns, ADR has emerged as a powerful tool that can empower MSMEs through appropriate, cost-effective and expeditious access to justice⁴³. It has been observed that by applying ADR processes such as negotiation, mediation and arbitration, MSMEs can save costs, manage disputes expeditiously, navigate legal and regulatory challenges and preserve

³⁵ United Nations., '2026 Theme: Empowering MSMEs through Innovation and Sustainable Industrial Development' Op Cit

³⁶ Franceschelli. V., 'Dispute Settlement and Enforcement of IP Rights By MSMEs' Op Cit

³⁷ Ibid

³⁸ Republic of Kenya., 'Draft MSME Policy 2025' Available at <https://msme.go.ke/sites/default/files/2025-03/Draft%20MSME%20Policy%202025.pdf> (Accessed on 15/07/2026)

³⁹ Ibid

⁴⁰ Ibid

⁴¹ Improving Access to Justice for MSMEs in Commercial Disputes., Available at <https://www.linkedin.com/pulse/improving-access-justice-msmes-commercial-disputes-thadeshwar-rwsofi/> (Accessed on 15/07/2026)

⁴² Ibid

⁴³ United Nations Department of Economic and Social Affairs., 'Policy Guidelines for the Formalization of Micro-, Small and Medium-sized Enterprises in Kenya' Available at <https://sdgs.un.org/sites/default/files/2022-03/Policy%20guidelines%20for%20the%20formalization%20of%20MSMEs%20in%20Kenya.pdf> (Accessed on 15/07/2026)

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commercial relationships thus enhancing their role in job creation and economic development⁴⁴. For example, negotiation is an informal and flexible process that enables parties to business disputes to work together, identify challenges and come up with mutually satisfactory and long-term solutions therefore preserving relationships while enabling parties to continue doing business together⁴⁵. In addition, due to its flexibility, cost-effectiveness, speed, and focus on collaboration, mediation is an appropriate tool for preserving business relationships, reducing legal costs, and resolving disputes without public exposure⁴⁶. It has been observed that mediation can not only save time and costs but can also preserve critical business relationships making it appropriate in managing commercial disputes⁴⁷. Further, arbitration provides an effective approach towards sound conflict management for MSMEs including through expedited arbitration proceedings that can enable these enterprises save time and costs while accessing justice⁴⁸.

Embracing ADR therefore provides an effective platform towards sound conflict management for MSMEs. ADR mechanisms including negotiation, mediation and arbitration with emphasis on expedited arbitration proceedings, provide a timely and cost-effective approach for MSMEs to resolve disputes while maintaining working relationships with stakeholders and avoiding operational disruptions⁴⁹.

4.0 Conclusion

MSMEs are powerful vehicles that can drive Sustainable Development especially in developing countries. However, given their vulnerabilities, it is imperative to empower MSMEs through effective governance and sound conflict management through ADR. Through this approach, it is possible to build stable, vibrant, dynamic and prosperous MSMEs for economic growth, sustainability and decent work for all.

⁴⁴ Improving Access to Justice for MSMEs in Commercial Disputes., Available at <https://www.linkedin.com/pulse/improving-access-justice-msmes-commercial-disputes-thadeshwar-rwsofi/> (Accessed on 15/07/2026)

⁴⁵ Negotiation as a Tool in Business Disputes., Available at <https://achkarlitigation.com/insights/negotiation-as-a-tool-in-business-disputes/> (Accessed on 15/07/2026)

⁴⁶ The Role of Mediation in Commercial Disputes: When to Consider It First., Available at <https://pdlegal.co.th/the-role-of-mediation-in-commercial-disputes-when-to-consider-it-first/> (Accessed on 15/07/2026)

⁴⁷ Managing and Resolving cross-border Disputes in the Energy Sector., Available at <https://www.ashurst.com/en/insights/managing-and-resolving-cross-border-disputes-in-the-energy-sector/> (Accessed on 15/07/2026)

⁴⁸ World Intellectual Property Organization Arbitration and Mediation Centre., 'WIPO Mediation and Arbitration for SMEs' Available at <https://www.european-entrepreneurs.org/wipo-mediation-and-arbitration-for-smes/#:~:text=Confidentiality:%20mediation%20and%20expedited%20arbitration%20allow%20parties,keep%20the%20proceedings%20and%20the%20outcome%20confidential> (Accessed on 15/07/2026)

⁴⁹ A Conceptual Exploration of Alternative Dispute Resolution (ADR) as a Problem Solution Mechanism for SMEs., Available at <https://rsisinternational.org/journals/ijriss/view/a-conceptual-exploration-of-alternative-dispute-resolution-adr-as-a-problem-solution-mechanism-for-smes> (Accessed on 15/07/2026)

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