**Inputs on "due diligence"**

根据维基百科的解释，due diligence一语最初曾以"exercise due diligence in investigating"、"investigation carried out with due diligence"的形式出现，只是后来被广为人知以后，才简化为"due diligence investigation"，并最终简化为"due diligence"。（详见：<https://en.wikipedia.org/wiki/Due_diligence>）这很可能是为什么“尽职调查”在很多领域（特别是金融界）成为due diligence惯用译法的原因。

不过，在人权领域，due diligence的范围显然已经扩大，不仅限于调查。根据《工商企业与人权指导原则》第17条，human rights due diligence的内容包括：assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed，所以再译为“尽职调查”确有不妥之处，因为“调查”的意思太过狭隘。在工商业与人权语境下，“尽责管理”可能更好一些，虽然原文也没有“管理”之意，但好在这个词与“调查”相比足够宽泛。

**附：**

**维基百科中的相关部分**

**Etimology**

The term “due diligence” means "required carefulness" or "reasonable care" in general usage, and has been used in the literal sense of "requisite effort" since at least the mid-fifteenth century.It became a specialized legal term and later a common business term due to the United States’ [Securities Act of 1933](https://en.wikipedia.org/wiki/Securities_Act_of_1933), where the process is called "reasonable investigation" (section 11b3). This Act included a defense at Section 11, referred to later in legal usage as the “due diligence” defense, which could be used by [broker-dealers](https://en.wikipedia.org/wiki/Broker-dealer) when accused of inadequate disclosure to investors of [material information](https://en.wikipedia.org/w/index.php?title=Material_information&action=edit&redlink=1) with respect to the purchase of [securities](https://en.wikipedia.org/wiki/Securities). In legal and business use, the term was soon used for the process itself instead of how it was to be performed, so that the original expressions such as "exercise due diligence in investigating" and "investigation carried out with due diligence" were soon shortened to "due diligence investigation" and finally "due diligence".

**Human Rights**

Passed on May 25, 2011, the [OECD](https://en.wikipedia.org/wiki/OECD) member countries agreed to revise their guidelines promoting tougher standards of corporate behavior, including human rights. As part of this new definition, they utilized a new aspect of due diligence that requires a corporation to investigate third party partners for potential abuse of human rights.

In the OECD Guidelines for Multinational Enterprises document, it is stated that all members will “Seek ways to prevent or mitigate adverse human rights impacts that are directly linked to their business operations, products or services by a business relationship, even if they do not contribute to those impacts”.[[14]](https://en.wikipedia.org/wiki/Due_diligence#cite_note-14)

The term was originally put forth by UN Special Representative for Human Rights and Business [John Ruggie](https://en.wikipedia.org/wiki/John_Ruggie), who uses it as an umbrella to cover the steps and processes by which a company understands, monitors and mitigates its human rights impacts. [Human Rights Impact Assessment](https://en.wikipedia.org/wiki/Human_Rights_Impact_Assessment) is a component of this.

The UN formalized guidelines for Human Rights Due Diligence on June 16, 2011, with the endorsement of Ruggie's Guiding Principles for Business and Human Rights.

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与**due diligence guidelines/guidance**相关的资料，主要是安理会决议、大会文件和经合组织的两份指南。

1. **安理会决议中数次提到拟订关于刚果矿产品进口商、加工行业和消费者尽职调查准则一事，但中文表述不一致。例如：**

安理会第1896(2009) 号决议：尽责调查准则<https://www.un.org/chinese/aboutun/prinorgs/sc/sres/09/s1896.htm>

安理会第 1952(2010)号决议 ：尽职调查准则 <https://www.undocs.org/zh/S/RES/1952%282010%29>

1. **A/73/163 （2018年7月16日）人权与跨国公司和其他工商企业问题工作组提交大会第七十三届会议的报告**

**The report of the Working Group on the issue of human rights and transnational corporations and other business enterprises**

英文：<https://undocs.org/en/A/73/163>

中文：<https://undocs.org/zh/A/73/163>

**中文本大多采用“人权尽职”的译法（落实人权尽职、履行人权尽职责任、人权尽职标准、人权尽职程序、人权尽职工作，等等），也有二十余处酌情使用了“尽职调查”。**

1. **经合组织的两份指南**

**OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas**

**《经合组织关于来自受冲突影响和高风险区域的矿石的负责任供应链尽职调查指南》（第三版）2016年**

英文：<https://www.oecd.org/daf/inv/mne/OECD-Due-Diligence-Guidance-Minerals-Edition3.pdf>

中文：<https://www.oecd.org/daf/inv/mne/DDG-Chinese-web.pdf>

**OECD Due Diligence Guidance for Responsible Business Conduct （2018年5月31日通过）**

**《经合组织负责任商业行为尽责管理指南》**

英文：<https://www.oecd.org/investment/due-diligence-guidance-for-responsible-business-conduct.htm>

中文：<http://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-RBC-Chinese.pdf>

**这两份指南应是业界的权威标准，联合国文件中也屡有提及。从经合组织两份指南中文本的变化中可以看出，“尽责管理”有取代“尽职调查”的趋势。**