

No. 12832

**UNITED STATES OF AMERICA
and
UNION OF SOVIET SOCIALIST REPUBLICS**

Agreement on the conditions of construction of complexes of buildings of the Embassy of the United States of America in Moscow and of the Embassy of the Union of Soviet Socialist Republics in Washington (with attachment). Signed at Washington on 4 December 1972

Authentic texts: English and Russian.

Registered by the United States of America on 21 November 1973.

**ÉTATS-UNIS D'AMÉRIQUE
et
UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

Accord relatif aux conditions de construction des ensembles de bâtiments destinés à l'Ambassade des États-Unis à Moscou et à l'Ambassade de l'Union des Républiques socialistes soviétiques à Washington (avec annexe). Signé à Washington le 4 décembre 1972

Textes authentiques: anglais et russe.

Enregistré par les États-Unis d'Amérique le 21 novembre 1973.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE CONDITIONS OF CONSTRUCTION OF COMPLEXES OF BUILDINGS OF THE EMBASSY OF THE UNITED STATES OF AMERICA IN MOSCOW AND OF THE EMBASSY OF THE UNION OF SOVIET SOCIALIST REPUBLICS IN WASHINGTON

In accordance with the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics for the reciprocal allocation of plots of land for the construction of Embassy buildings in Moscow and Washington dated May 16, 1969,² the Parties have agreed on the following conditions of construction of the buildings:

I. GENERAL CONDITIONS

1. The sites at Konyushkovskaya Ulitsa in Moscow and at Mount Alto in Washington will be readied for construction by being cleared of all surface structures by the Parties making them available at their own expense, by mutually agreed upon dates. Sub-surface communal services not required for the period of use of the newly erected buildings will be disconnected from the municipal network. The relief of the sites after clearing must approximately correspond to the natural relief.

2. The Parties within one year before the completion of construction of any part of the complex of buildings will provide the sites being made available with permanent lead-ins for utilities which will satisfy the needs of all the buildings envisaged by the plan. Before completion of construction of the buildings of the United States Embassy in Moscow, the Soviet side will ensure the completion of the improvement of Devyatinskii Pereulok and that part of Konyushkovskaya Ulitsa adjacent to the site; the American side will ensure the satisfactory condition of the streets adjoining the Mount Alto side in Washington. Vehicle access to the sites during construction will be ensured by both Parties. The responsibilities of the Parties also include the provision up to the borders of the site of temporary utilities meeting requirements for the period of construction.

3. Both Parties will comply with the regulations affecting the area adjacent to the site (height of buildings, position of buildings, etc.) and with construction regulations existing in Moscow and Washington (region and district). Any necessary variation from local regulations not provided for by the Agreement will be subject to mutual supplementary agreement. Necessary authorizations by authorities of the District of Columbia and other organs concerned with construction on Mount Alto will be handled through the United States Department of State and necessary authorizations from Soviet organizations concerned with the construction of the buildings of the United States Embassy in Moscow will be handled through the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics.

¹ Came into force on 4 December 1972 by signature, in accordance with article IV (10).

² United Nations, *Treaty Series*, vol. 715, p. 33.

4. The maximum height of the buildings which will be erected on the Konyushkovskaya Ulitsa site may reach 176 meters (577.28 feet) above sea level.

The maximum height of buildings which will be erected on the Mount Alto site may reach 136.21 meters (446.77 feet) above sea level at the point of highest natural grade fronting on Wisconsin Avenue.

Authorized heights of buildings mean the maximum heights of planes of the roofs, including the machinery sections of elevators, parapets, and ventilation pipes or shafts. The maximum heights of antennas will be established in a business-like fashion after agreement on plans.

5. If in the course of construction of the buildings it is necessary to make any substantial changes in the finally approved plan affecting the external parts of the complex, these changes must be approved by the Party making the plot of land available.

6. To the extent reasonably possible the parties will agree on target dates for completion of the buildings of their Embassies in order to guarantee completion of the work at approximately the same time, after approval of the final plans and preliminary discussions with general contractors. Each side has the right to carry out its entire project at one time or in a sequence which it finds most convenient. All construction of the building complexes will be divided into a number of sequences which will be agreed upon by the sides after the approval of the final design and the conclusion of building contracts. The chanceries will be occupied simultaneously at an agreed upon date after final completion and acceptance. All other buildings may be occupied at any time after completion and acceptance and put to their designated use.

7. The respective Parties are responsible for the reliability and condition of all communal installations which they will provide up to the boundaries of the site made available by them, or which they will erect outside its limits, to supply the buildings erected on the site with necessary communal services in accordance with local practice.

II. INITIAL PLANNING DATA

1. Both Parties will exchange, free of charge, data on topographic survey (see attachment), preliminary surveys, hydrological and climatic conditions and also all requested information concerning local construction materials, manufactured items, equipment, utilities, and services.

2. In accordance with the needs of the planned buildings for communal services (which must be communicated in advance), the Party making the site available will provide information regarding the conditions for connecting the utilities to the municipal networks with an indication of all factors, necessary for planning. For obtaining detailed information on these questions, the Party receiving the plot of land may periodically send to the site a mutually agreed number of its own specialists for reasonable periods of time for inspection of the site and for obtaining more complete information on the matters specified in this article.

3. Detailed geological investigations of the soils on each site may be carried out directly by the Party receiving the plot of land or at its request by local organizations in accordance with the plans and technical requirements worked out

by its responsible architects and engineers. The Parties will pay the cost of the work ordered by them for a detailed study of the soils on the plot of land each Party will receive.

III. PLANNING DOCUMENTATION

1. The respective Parties will themselves develop design proposals (design drawings) and more detailed plans, including specifications for the construction of the buildings of their Embassies. The respective Parties may have such design work accomplished by design firms or organizations of their own selection from either or both countries.

2. Each Party will submit for the approval of the other Party, which has made the plot of land available, the following planning documentation:

A. For the preliminary agreement—a design drawing including:

- a) a three-dimensional planning determination (perspective) showing construction on the whole site;
- b) a general plan of the site;
- c) plans of the buildings by typical floors;
- d) façades and basic cross-sections of the buildings;
- e) a brief explanatory note, including a description of the basic materials to be used, in the Russian and English languages (the contents of this note preferably to be indicated directly on the drawings).

The respective Parties must approve or disapprove (with a detailed statement of all reasons) the preliminary design (drawings) within a reasonable period of time in a business-like fashion.

B. For the final agreement—more detailed plans, including:

- a) a situational plan of the site;
- b) a general plan of the site;
- c) plans of the buildings by typical floors;
- d) façades and cross-sections of the buildings;
- e) basic architectural and construction determinations of the buildings (outside walls, roofs, support structures);
- f) typical plans and diagrams of the air-conditioning, heating and plumbing systems of the buildings;
- g) typical plans and diagrams of electrical and telephone systems;
- h) a listing of finishing materials and equipment to be delivered from the Party's own country or third countries;
- i) an explanatory note in the Russian and English languages on all drawings as to materials being used.

The respective sides must approve the final plan within a reasonable period of time in a business-like fashion.

C. After approval of the final plan, the further development or any necessary transposition to the local languages and norms of the technical documentation,

including working drawings and specifications, will be carried out in conformity with the principles of the staged execution set forth in article IV.

IV. EXECUTION OF CONSTRUCTION

1. Construction of the complexes of buildings and structures of the Embassies will be executed in two stages.

Stage 1 will include:

- A. Execution of work listed in paragraphs 1 and 2 of article I and in paragraph 3 of article II;
- B. Link up of external utilities and improvement of the site;
- C. Transposition of technical documentation into local language and norms, including final working drawings for all types of work to be carried out by local sources at the given stage;
- D. Site work:
 - Excavation, filling and grading
 - Paving
 - Landscaping
 - Site utilitiesStructural work:
 - Foundations
 - Buildings frame, including floors, walls and structural roof slab
 - Waterproofing of foundations
 - Non-structural interior walls and partitions (brick, concrete block, hollow block)
 - Exterior facings of buildings
- E. Conduit, pipe and ducts and sleeves built into structure walls and partitions.

Stage 2 will include:

- A. Transposition of technical documentation into local language and norms, including final working drawings for all types of work to be carried out by local sources at the given stage;
- B. Inside Finishing Work:
 - Plastering and painting
 - Doors and frames
 - Finish floor coverings
 - Finish wall and partition surfaces
 - Finish ceilings
- C. Artistic Work
- D. Equipment:
 - Elevators
 - Air-conditioning system
 - Telephones, telephone exchanges
 - Radio
 - Cooling (refrigeration)
 - Kitchen
 - Plumbing
 - Heating
 - Conduit cable (not built in), conductors and electrical equipment

- E. Windows
- F. Hardware
- G. Carpentry
- H. Finished roofing other than structural slab
- I. Glass

A concrete listing of work to be done in stages 1 and 2 will be agreed by the Parties in the process of agreeing on the project and development of the technical documentation but no later than five months from the day of the approval of the final drawings and plans.

2. Taking into account the principle of mutuality, specific features of design, technology and methods of constructing buildings accepted by each Party as well as economical factors, the execution of work in stage 1 will be carried out by local design and construction organizations or firms using local building materials. However, the Parties may select and supply materials for the exterior facing of the buildings to be decided at the time of agreement upon the final design plan.

For the execution of work in stage 1 the respective Parties will select a general contractor from a number of local firms or organizations and conclude contracts with them according to their own choice with the assistance of the Department of State of the United States of America and the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics respectively.

3. The execution of work in stage 2 will be carried out at the choice of each Party either through local organizations or by its own sources. The installation of equipment imported from third countries may be carried out by specialists from these countries or by organizations or firms of the Parties.

4. The respective Parties may begin construction of the buildings and structures on the plots made available after the other Party approves the final plan. The date of initiation of construction will be determined by an exchange of notes.

5. Construction of the Embassy complexes will be carried out on the basis of contracts concluded with firms or organizations chosen, taking into account norms and rules, technology and methods of construction customary in each of the contracting party's countries. However, the Party for which the buildings are being constructed may increase the specific normative loads if it so desires.

6. The Party which makes the site available will facilitate the acquisition and delivery of local materials and equipment necessary for the construction of the respective Embassy complexes. The acceptability of the construction materials and equipment and quality of completed work will be determined by the respective Party for its own project.

7. Each Party may import duty-free for the construction of the buildings of its Embassy complex, manufactured items, material and equipment for the execution of work during stage 2, materials for the exterior facing of buildings if such importation is so decided, as well as tools and devices for the installation of the imported material and equipment, by sending them to its Embassy address.

A list of imported equipment and materials will be agreed upon between the Parties at the time of approval of the final design. The delivery date of the materials and equipment will be communicated not later than three months before their importation.

The Parties will assist each other in the unhindered importation and delivery of freight to the construction site.

8. On the basis of contracts concluded with a general contractor and sub-contractors, the Embassy of the USSR in the USA and the US Embassy in the USSR will have the right, on the sites allotted to them, to exercise technical control and supervision at any time from the time construction is begun until all of the buildings are accepted by the side for which they are being constructed. The necessary municipal inspectors and representatives of the general contractor will have the right to conduct, during the second stage, periodic inspections accompanied by representatives of the side for which the buildings are being constructed.

In order to observe local norms, to render various kinds of services, and also to ensure necessary consultations in connection with general construction work, the Party providing the site will extend necessary aid and assistance when requested in the execution of work in stage 2 by the other Party.

The responsibility of fire and work safety will be borne by the Party whose organizations execute the work.

9. For the execution of technical control and supervision over planning and construction of the buildings of its Embassy, each Party may maintain in the process of planning and construction a mutually agreed reasonable number of administrative and engineering-technical personnel, and also instructors for familiarization and demonstration of exterior facing if non-local material is used, and additionally in stage 2, a mutually agreed number of workers needed for orderly prosecution of the work not accomplished by local contractors. The number of such above mentioned personnel will be determined for the period of planning and construction work (stage 1) upon agreement on the draft plan. For the period of the finishing and installation work this will be determined after the final approval and agreement on the extent of work during stage 2.

The administrative and engineering-technical personnel designated to supervise construction, and construction workers who are citizens of the sending Party will be considered temporarily attached to the Embassy of their State, and will have the right to enjoy the same immunity and the same privileges which are granted to the corresponding categories of Embassy employees.

The Government which provides the site will facilitate the provision of suitable living quarters for the personnel of the other Party connected with the construction.

10. The costs of planning and construction of the buildings of the Embassy of the United States of America in the Union of Soviet Socialist Republics and the Embassy of the Union of Soviet Socialist Republics in the United States of America from local sources and the system of accounting, will be determined in accordance with normal construction contract procedures during the negotiations for the contracts.

The present Agreement will enter into force on the day of its signing.

SIGNED at Washington in two originals, in the English and Russian languages both texts of which are equally authoritative, this fourth day of December, 1972.

For the Government
of the United States of America:

For the Government
of the Union of Soviet
Socialist Republics:

[Signed — Signé]¹

[Signed — Signé]²

¹ Signed by Walter J. Stoessel, Jr.—Signé par Walter J. Stoessel, Jr.

² Signed by S. Dobrynin—Signé par S. Dobrynin.

ATTACHMENT

SITE DATA

I. TOPOGRAPHIC SURVEY PRIOR TO CLEARING THE SITE

The government which is transferring the site will, within four months from the date of signature of the Agreement on Exchange of Sites, provide the data of a topographic survey, including the following basic data:

A. *Bench Marks*

1. Two permanent bench marks will be set on the boundary of the site or in convenient proximity to it.
2. The bench marks should be coordinated with the data of existing local marks.

B. *Elevations*

1. If on-site obstructions prevent making the survey required for the drawing up of a contour plan and a cross-section grid, the topographic on-site survey made prior to clearing the site will show the difference of elevations at intervals not exceeding three feet or one meter.
2. Contours or grid should extend across proposed new streets bordering on the site and should show the following:
 - a) Center line of streets relative to site boundary;
 - b) Width of street right-of-way;
 - c) Width of paved street;
 - d) Sidewalk location and width;
 - e) Design elevations for each change in elevation at intervals of three feet or one meter along street center line and property line;
 - f) Street cross-section from one to the other property line.

C. *Adjacent Buildings and Structures*

All remaining topographic data of the surrounding vicinity necessary to comply with local regulations.

D. *Connections to Municipal Communal Installations*

1. Show points of connection and cross-sections of all sewer and storm lines.
2. Show size, cross-section, points of connection to the system of all water, gas, steam or other services.
3. Show type and dimensions of paving, curbs, sidewalks, ditches, etc.
4. Locate manholes and show invert elevations.
5. Show location of all fire hydrants, lamp posts, telephone and electric poles.

E. *Drawings*

1. Should be executed on tracing linen or on thick cellulose-acetate paper or on equivalent material.
2. Any suitable scale not smaller than one inch equals fifty feet may be used provided there is a clear rendering of all details.
3. To show the location of bench marks, elevations and reference data.
4. To give the name of the region, the graphic scale, an arrow showing north or the meridian, etc.

II. TOPOGRAPHIC SURVEY AFTER CLEARING THE SITE

After the sites at Konyushkovskaya Ulitsa in Moscow and Mount Alto in Washington are cleared of all existing structures above ground and the subsequent filling in of excavations and pits, the government which is transferring the site will provide the data of a topographic survey prepared, taking into consideration the requirements listed in point I above, except for the inclusion of the following additional data, if it has not been provided before:

- A. Site elevations should be plotted either in contour or in cross-section grid.
 - B. The distance between contour lines should not exceed three feet or one meter. If cross-section grid system is used, the lines of the grid should be located at a distance not exceeding 25 feet or 7.5 meters apart, with an indication of the elevations at each intersection grid line.
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