**Federal Executive/Federal Council of Switzerland**

The federal executive of Switzerland is a plural body known as the Federal Council or Bundersrat. The Federal Council was instituted by the 1848 federal Constitution. The authority of the federal executive is vested in the council of seven members. Theses seven members of the council thus exercise the supreme directing authority of the confederation. The members of the federal council are elected for a period of four years from among the Swiss citizens who are eligible to be elected to the National Council of the Federal Assembly. Amongst the seven members of the Federal Council, one is elected by the Assembly as the President while another member is elected as the vice-President of the Swiss federation.

**Unique Characteristics** **Federal Council**

The federal executive of Switzerland possesses certain unique characteristics. We have already learnt that this executive is a plural one. Besides, it has certain other uniqueness. Therefore, this section of the unit deals with these unique characteristics of the Swiss executive.

**Plural in character:** The executive power of the Swiss confederation is vested in a plural executive consisting of seven members known as Federal Council. According to Article 177 of Swiss constitution, the Federal Council is a collegial body, in which every member enjoys equal power and status. This system has proved to be very advantageous with the merits of the Cabinet system. The Swiss executive is representative of all opinions and areas of the country, which makes democracy more meaningful in Switzerland.

**Non-partisan executive:** The Federal Council is a heterogeneous group of politicians belonging to four different parties. They are chosen for their capacity as administrators. Therefore, Lord Bryce has remarked that the Federal Council, ‘stands outside party, is not chosen to do party work, does not determine party policy, yet is not wholly without some party colour’. The Swiss citizens elect those persons as the executive who possess administrative skill, mental grasp, good sense, tact and temper but not the good speakers. Therefore, it is often said that in Switzerland, the office must seek the candidate, not the candidate the office. All differences among the members of the Federal Council arising out of their different party background or ideologies are sorted out through compromise as public opinion in Switzerland expects everyone to subordinate his own feelings to the public good. Therefore, Lowell has remarked that the Federal Council ‘depends to a great extent on the confidence in its impartiality, and hence its position is fortified by anything that tends to strengthen and perpetuate its non-partisan character’.

The term of office of the federal Council coincides with the tenure of the National Council i.e, the Federal Legislature. It is elected at the beginning of each National Council and is completely renewed after every General Election. Vacancies arising within the normal period of four years are filled at the next meeting of the Assembly for the unexpired term of office. The members of the federal council are usually elected from the members of the federal legislature though there is no constitutional bar against the election of the outsiders. Usually, four councillors are taken from the German-speaking members, two from French-speaking members and one from the Italian-speaking members.

The seven members of the Federal Council are currently recruited from four parties – two each from Radical Democrats, the Christian Democrats and the Social Democrats and one from Swiss People’s Party. This grouping has been in existence since 1959.

**Long tenure of the Councillors/:** Though the councilors are elected for a term of 4 years, they tend to remain in office for a longer period or until they desire to leave the office. It is possible for several reasons. First of all, the role of political party in the formation of the government is minimum. Secondly, Swiss people prefer those persons in the affairs of the government with good temper, dedication and administrative skills. As a result of it, the Federal Council is unique in its stability and becomes a permanent body though virtually chosen after every four years. The average period of service is more than 10 years, while some has served as the councilor up to 32 years. Therefore, the Federal Council is regarded as the most stable government in the world.

**Neither Parliamentary nor Presidential:** The Swiss Federal Council is neither Parliamentary nor Presidential. It is not parliamentary because, in a parliamentary system the cabinet implies a degree of party solidarity that the Swiss body does not possess. Party solidarity also implies political homogeneity and in the parliamentary government all the members of the cabinet belong to the same party. The members of the cabinet are responsible to the legislature, individually and collectively and can remain in office so long as it retains its confidence. On the other hand, though the Swiss Council is elected by the federal assembly, yet the Councillors are not required by the Constitution to be members of the Assembly. They become Councillors not because they belong to the Parliamentary majority party or are the leaders of the political parties, but in their capacity as administra tors. Again, Federal Council is not a homogeneous whole and differences of opinion among Councillors are permitted and allowed to become known. Such differences cannot exist in a cabinet government. Unlike the cabinet government, the resignation of one councilor does not bring a crisis in the government. The Federal Councillors do not resign collectively or individually when their measures or policies are rejected.

**Swiss Executive is neither presidential type:** In a Presidential government, the executive is separated from the legislature. The administrative heads of different departments constitute the President’s Cabinet and are appointed by the President; they remain in office so long as he wishes them to continue. The office of the President does not depend upon Congress. He is popularly elected for a term of four years. In Switzerland, there is a plural executive. Though the Swiss constitution provides for a President, he is not like the head of the state of a presidential form of government. The Swiss Federal Council is not a separate branch of government with an independent policy of its own. Thus, Switzerland provides to the world a unique type of executive which is neither parliamentary nor presidential.

**FUNCTIONS OF THE FEDERAL COUNCIL**

Article 95 of the Constitution describes the Federal Council as ‘the supreme executive and governing authority of the confederation’. Therefore, all the executive powers of the confederation are vested on the Council. Article 102 contains a list of the major functions and duties of the Federal Council. These are:

The Federal Council conducts the affairs of the Confederation in accordance with federal laws and decrees.

It should ensure due observance of the Constitution, the laws and decrees of the Confederation, and Federal Treaties. The Federal Council is empowered to intervene and take necessary action, either on its own initiative or in response to an appeal against a grievance, if Cantonal Governments do not co-operate in the proper execution of federal laws or decrees or other treaties.

According to a constitutional provision the Cantons must have their Constitutions and alterations sanctioned by the Federal Assembly. It is the duty of the Federal Council to supervise the ‘guarantee’ of Cantonal Constitutions. The guarantee is granted provided that the Cantonal Constitution contains nothing contrary to the provisions of the Federal Constitution.

The Constitution empowers both the houses of Federal Assembly, to each member of either House, to each Canton and a half-Canton and the Federal Council to initiate legislation. However, in practice, it is the Federal Council which really initiates major portion of the legislation to be enacted. Again, a Councillor is assigned to guide the bill all the way through the legislative process. The bill is examined in the committee in his presence and he gives his advice and comments.

As a result of the growing legislation and increasingly complex nature of governmental activities the Federal Assembly delegates to the Federal Council a great deal of discretion in the administration of the Federal laws. The Federal Council then issues rules and regulations which have the force of laws.

The Federal Council takes part in the legislative process in the following ways:

i. Leading the preliminary proceedings of legislation
ii. Submitting federal acts and decrees to the federal Assembly
iii. Enacting ordinances in so far as the Federal Constitution or federal law empowers it to do so.

The Federal Council examines the laws and ordinances of the Cantons that are required to be submitted for its approval. It also supervises the branches of Cantonal administration where such supervision is incumbent upon it.

Federal Council looks into the execution of judgments of the Federal Tribunal and also of the agreements and arbitration awards upon the disputes between Cantons. The execution of the decisions of the courts and many provisions are left to the Cantons. However, if the cantons fail to carry out these obligations, then, as the last resort, the appeal is made to the Federal Council.

Federal Council also performs the function of appointing. The Federal Council in practice delegates its right of appointment in very many cases to the various branches of administration and other independent authorities.

According to the constitution of Switzerland, the Federal Council should examine the agreements of the Cantons among themselves and with foreign states. The Council is also empowered to sanction them if they are in accordance with the constitution and law. If the treaties violate the rules and regulations of the Constitution, then it may declare the treaties null and void. All kinds of official relationships with foreign governments are established through the agency of Federal Council.

The Federal Council conducts the foreign relations of Switzerland. Besides conducting the foreign relations of Switzerland, the Federal Council also safeguards the external interests of the Confederation, ensures external safety of the country and also maintains her independence and neutrality. Thus, the Federal Council manages the external affairs of the government. The Federal Council also negotiates treaties and ratifies them after approval of the Federal Assembly.

Federal Council is also entrusted with the power of looking after the internal security of the Confederation and maintenance of peace and order. Federal Council also looks after the measures to be implemented if internal peace is disturbed in the cantons.

In the time of emergency, when Federal Assembly is not in session, the Federal Council is empowered to call out troops and employ them wherever it finds necessary.

Being the executive, the Federal Council is entrusted with the charge of the military affairs of the Confederation and of all branches of the federal administration.

The Federal Council also examines the laws and decrees of the Cantons which require its approval and supervise such branches of Cantonal administration as are placed under its control.

The Federal Council also performs the important function of administering the Federal finances and prepares the budget and submits accounts of federal receipts and expenditure.

The Federal Council supervises the official conducts of all officers and employees of the Federal administration.

The Federal Council gives an account of its work to the Federal Assembly in each ordinary session. It also presents a report on the internal conditions in the country as well as foreign relations to the Federal Assembly. In that report, the Council may also recommend certain measures for the promotion of general welfare. If the Federal Assembly demands, the Council may also submit special reports to it.

The Federal Council also exercises certain judicial powers. It hears appeals of private individuals against a decision of the Federal Railway Administration. It has also appellate jurisdiction over the decisions of the Cantonal governments in cases relating to discrimination in elementary schools, differences arising out of treaties relating to trade, patents, military taxation, question about occupation and settlement, Cantonal elections etc.