

The Local Tackling of Global Issues: A Governance Paradox in Federal States

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Abstract

This study focuses on a paradox of federalism. In disputed policy issues, subnational government units can initiate bottom-up policy change while the federal government remains inactive. This typically occurs in public health or climate change fields, where there might be a mismatch between the required and the effective scale of action. In such cases, subnational entities bear the costs of a politically risky action to produce a higher-level public good. Based on a study of tobacco control in 14 Swiss member states, we investigate why some subnational governments take the lead, while others adopt a wait-and-see attitude. We find a set of four configurations favorable to state activism (window of opportunity effect, reallocation effect, innovative identity effect, regionalization effect) and four unfavorable (municipal resource burden effect, diffusion of responsibility effect, local autonomy effect, economic dependency effect). These bottom-up dynamics are crucial for understanding collaborative policy processes.

Keywords: governance paradox, policy innovation, global challenges, local policies, sub-national level, public good, federalism, tobacco control.

1. Introduction

This article addresses a federalist paradox by investigating why subnational jurisdictions sometimes undertake politically risky and low-rewarding policy initiative in face of political inertia at the national level. This question touches upon the complex interactions between levels of governance—federal government, states, municipalities—in federal systems. A true understanding of policymaking processes in multilevel systems must indeed examine the ways “states challenge federal policy” (Gamkhar and Pickerill 2012, 376). This questions the dominant perspective viewing federal governments as a top-down system of delegation and devolution from the center to subnational units. Policies decided at the national level ensure comprehensiveness, consistency, and equality on the national territory. In theory, national policies that require global action are undertaken by the central government (e.g., national security, retirement schemes). However, global challenges and large-scale wicked problems can face a lack of action at the national level for several reasons (lobbying, lack of prioritization, political deadlocks). In such contexts, subnational jurisdictions might take the lead and initiate a bottom-up dynamic. They can use different means such as initiating a nation-wide political debate, coordinating inter-state initiatives, or instigating policy innovation at the state level to set up concrete examples.

However, such initiatives are associated with risks and investments for the subnational units. Tobacco control policies provide a good case study for examining bottom-up processes in tackling global challenges. Tobacco control often proves to be politically risky and unpopular (Malone 2017) and is a paradigmatic case of a policy that would have greater impact at the national than at the local level because of the need for a structural and coherent action. However,

studies show that the impulse for tobacco control policies often comes from local constituencies and tend to follow a bottom-up or state-to-state dynamic (Shipan and Volden 2006; cited in Studlar 2010), to pressure the federal state (Mavrot 2017). In this context, we identify a federal paradox: pioneering states take innovation risks, including financial and political costs as well as uncertainty regarding the policy outcome at this small scale of action. They are nevertheless willing to invest in a mid-term strategy with the objective of triggering national action. This raises the question of what motivates them to bear the initial burden with at best a deferred reward, and to initiate the production of an indivisible good benefitting the other subnational units. Because of these elements—innovation and political risks taken at the local level to set up policies that would notoriously be more effective at the national level—we identify here a governance paradox. However, this apparent paradox can be explained by the configuration of local interests and preferences, as well as reasons related to the responsiveness of infra-national governments to local activism. This phenomenon is true for all policy areas whose effectiveness would be stronger at a larger scale of action, climate change or COVID-19 policies being prominent examples. This dynamic just seems to run counter to Olson’s free-rider hypothesis (1968) and thus deserves closer analytical attention in face of the upcoming global challenges that require urgent action around the world. Thus, the present study focuses on factors leading some Swiss states to undertake spearhead policy action associated with material and political costs and a low direct benefit from a public health perspective.

The present study contributes to the literatures on multilevel governance and member state policymaking in that our findings challenge the default top-down perspective dominant in these literatures that narrowly focus on compliance and sees member states primarily as threat to distributive justice and effective policy delivery at the larger scale. The findings also contribute to the literature on collaborative policymaking in that they highlight the innovative role of bottom-up policymaking for global problems.

In the next section, we lay out the initial puzzle we address before we present our empirical strategy and justify our case selection. After presenting our results in the form of configurations of factors conducive for or hindering member state activism, we discuss our findings and conclude by assessing the applicability of our insights beyond the case at hand.

2. The Paradox of Addressing Global Challenges at the Local Level

Many bottom-up policy change paths have been identified in federal systems, ranging from vertical city-to-state or state-to-federal processes to horizontal inter-city and inter-states movements. Hence, federalism “provides the opportunity structure for a variety of democratic processes at the levels of government” (Benz and Sonnicksen 2017, 22). This diversity raises the question of policy disagreements among levels of government. Federal studies have dedicated considerable attention to the means of pressure one level of government applies to another, especially from a top-down perspective (e.g., prescription, funding schemes, incentivization). However, the focus on top-down policymaking processes leads to an important analytical blind spot. This tends to overshadow the fact that there is “much more diversity occurring at the local level than is indicated by state-centric analyses”, especially hiding local activism as a crucial factor of policy innovation (Fowler and Jones 2019, 774).

States and cities might have different sets of interests and preferences than the federal level. While a top-down perspective focuses on the aggregate responsiveness of the overall system, a bottom-up perspective helps understanding case-level discretion and variations at the local level (Whitford 2007). The ways member states can manifest their disagreement by the “nullification” of federal laws (i.e., efforts to neutralize national legal provisions) has been studied (Olson et al. 2018), shedding light on the substantial power held by states, both as policymakers and policy implementers. Beyond their reactive capacities, the agenda-setting power of subnational constituencies is also significant. Using their discretion, member state can initiate substantial policy innovation that ultimately benefit the federal level (Sager et al. 2019).

However, as Shipan and Volden note, few studies have thus far paid sufficient attention to the ways policies “bubble up” from the local to higher levels of government (2006: 825).

However, the political dividing line does not necessarily fall between levels of governance. Players with similar views can form alliances across governance levels to advance an agenda, complexifying the multi-level game. They are “vertical epistemic communities” bringing together subnational and national policymakers around a policy issue; such alliances can succeed in shifting the policy-making process from the national to subnational arenas to avoid deadlocks at the national level (Mavrot and Sager 2017). In this sense, Fisher (2013) identifies a “boomerang federalism” effect, when local advocacy networks leverage the national level to buttress support for their initiatives, creating a self-reinforcement dynamic. Furthermore, multi-level governance plays differently in federal, unitary, and supranational regimes, which still deserves further analytical clarification (Alcantara et al. 2016).

Local constituencies have been depicted as “policy laboratories” in federal system because of their ability to use their legislative leeway to initiate policy change (Volden 2006). Federalism thus opens the path to policy innovation, while also generating policy disparities among jurisdictions (Martin et al. 2013). In spite of this observation, in topical challenges such as climate policies, “policy analysis has focused almost exclusively on national policy and even on the need to harmonize climate policies across countries” (Shobe and Burtraw 2012). However, while the crucial role of local governance levels, for instance municipal political dynamics, are “often overlooked in geopolitics and IR”, there is without a doubt a localized agenda of global governance that has a major role to play in addressing contemporary challenges (Acuto et al. 2023, 532). Thus, a focus on bottom-up initiatives is needed. As shown during the COVID-19 pandemic, while a centralized policy response ensures a coordinated action, decentralized responses have the benefice of local responsiveness (Yang 2020) and the potential of innovation. A puzzling question arises when states regulate at their level in fields

where policy action would be much efficient at a higher governance level. Whereas only central governments can set standards to achieve a national impact, subnational governments often pave the way for it. In this context, the structure of opportunities and challenges within federal systems must be considered.

This calls for a better understanding of two processes: what motivates subnational jurisdiction to take the lead on a policy issue, and what instruments do they have at their disposal. Horizontal processes, such as interstate concurrence or emulation, can also strengthen this logic of spearhead action (Borges Sugiyama 2012). Importantly however, horizontal processes can also be collaborative. In fact, interstate collaborative attitude has been identified as one of the key strategies of the future for public administrations to tackle today's most acute problems (Kettl 2006).

As local policy innovation is not necessarily associated with immediate rewards, the role of key players and of mediating factors prompting their action in such cases should be scrutinized. The existence of a specialized local expert network relying on strong professional norms has been thought to be crucial in launching innovative policies (Borges Sugiyama 2012). These players must both consider the problem as severe and identify a need for action at the local level (Travis et al. 2004). For instance, in analyzing whether the existence of an innovative anti-smoking regulation at the city level leads to a valve effect at the state level (i.e., when there is no longer need for a regulation at the state level because the problem is being addressed at the local level) or to a snowball effect (i.e., an emulation leading to a city-to-state policy transfer), Shipan and Volden (2006) shed light on a conditional effect of policy diffusion. City-to-state transfers are found in cases where there is a combination of a strong health advocacy and a professional legislative at the city level, able to advocate the generalization of the policy at the state level.

The local presence of industries having an interest to prevent the adoption of a policy also constitutes a crucial factor. The strategies of harmful substances industries to influence policy

decisions are highly sophisticated. They target different stages of the policymaking process (public consultations, parliamentary committees, working groups) and a wide range of policy actors (ministers, political advisers, civil servants, technical advisers, members of parliaments) (McCambridge et al. 2018, 4-9). They aim both at shaping the broader policy environment and intervening in specific policy processes to build a status quo (McCambridge et al. 2018).

These advocacy efforts also interact with context conditions at the meso-level. Research on the activities of interest groups at the sub-national level identifies different categories of incentives, including functional, identitarian, and institutional drivers (Bouteca and Devos 2014). In investigating factors that distinguish “struggler” and “delayer” states in environmental policies, Travis et al. (2004) identify the following: the wealth level of the state, partisanship, organizational capacity, institutional capacity of the state to implement complex programs, and the state’s political culture. Regarding the latter, Lachapelle and Paterson find that “variations in the traditions of economic intervention by states” account for inter-state convergence or divergence in climate change performance (2013, 560).

Regarding institutional and organizational capacity, one must however bear in mind that “capacity is a multidimensional concept” (Hall 2008a, 123). Hence, the capacities of regional governments and organizations encompass not only formal factors such as the structure but also processes such as choices regarding resource-attribution or the understanding of one’s mission; These factors can be best observed at the micro-level (Hall 2008a). Moreover, assessing institutional capacities at the local level requires to look both at the political and the administrative dimensions of the phenomenon (Hall 2008b). Next to contextual factors, the importance of administrative professionalism has been recognized to explain policy innovation at the state level (Sapat 2004). While confirming the importance of partisanship, institutional capacity, and economic affluence in accounting for interstate variation, other studies also highlight important procedural factors: the trajectory of the policy, and state learning processes

(Callaghan and Jacobs 2014). This adds a complexity in the configuration of actors that have to be taken into account (political and administrative ones), and a temporal dimension which is also expected to play a role and has methodological implications.

Finally, local government have various political and legal instruments to initiate bottom-up action, such as states' representation at the national parliament or local legislation. However, the capacity of infra-national constituencies to influence higher levels of government should not only focus on institutional channels but also on informal power games (Mueller 2014). Municipalities or states enjoy various means through which they can take the lead, ranging from setting a policy precedent at the state level to coordinated inter-state lobbying including media pressure and issue politicization. While subnational constituencies are not always in the position to solve problems at their level, their efforts can still contribute to the "indirect shaping of a policy architecture that affects the federal policy debate" (Burtraw and Shobe 2007, 21). As studies have highlighted in the area of climate change, "by making unilateral emission reductions, a state or group of states are expressing a commitment to a cooperative outcome in the prisoner's dilemma game of exploiting the global atmospheric commons"; by choosing this policy path, local governments contribute to the public good, while the basic political axiom would rather expect local governments to focus on more direct political benefits through their policy choices (Burtraw and Shobe 2007, 4-5).

Drawing on these theoretical insights, this study explores a governance paradox in federal states: in what circumstances do some states decide to bear the costs associated with innovative policy action, opening the path for later reforms at the inter-state and national levels and generating a higher-level and undividable public good? Conversely, in which contexts do states adopt a wait-and-see attitude in face of urgent global challenges? Analyzing such synchronic processes in a federal system allows us to identify meso-factors of inter-state variability, as all studied states have similar institutional structures and have evolved within the same national

context. Drawing on the literature, we have three theory-driven expectations. First, a strong local expert and advocacy network around the issue is a favorable condition for a pro-active attitude at the state level. Second, a local presence of industries adverse to health interests constitutes a barrier to change. Third, mediating factors at the meso-level are crucial in shaping the final local response to wicked problems, especially the political culture, the local policy path, partisanship, and institutional and organizational capacities.

3. Research Design, Materials and Methods

This article draws on a comprehensive study of the design and implementation of tobacco control policies in Switzerland at the federal and state levels. It focuses on policy innovation at the state level in face of political deadlocks at the federal level. Swiss federalism offers an ideal venue to study member state policy-making. Federalism is a core characteristic of Switzerland's political system. Its subnational units, the cantons, function as independent political entities, hold policy-making responsibilities within critical domains (e.g., health, education, justice, police, and social assistance) and are considered the primary political units. The majority of federal programs are executed and programmed by the cantons, which are not only implementing authorities but also create policies (Sager and Zollinger 2011:31). Swiss federalism has strong similarities with the EU member state system which makes it an interesting laboratory for the study of multilevel governance. The challenge lies in striking a balance between effective political representation and decentralization. Efficient policymaking frequently leads to the equalization of centralized decisions during their implementation (Börzel and Hosli 2003; Thomann 2015).

Starting in 2012, fourteen member-states launched new tobacco control programs in their constituency with a focus on structural prevention (i.e., reinforcing regulations and enforcement). The states were financially and organizationally incentivized by the federal health administration to initiate these programs at the local level. Some of these fourteen states

adopted a leading attitude, strongly pushing for political reforms at the state, regional and federal levels, while others took the money but adopted a more conservative approach. We therefore propose an in-depth study of the configurations in which some states decide to invest resources in moving the tobacco control agenda forward in the long run with few direct public health rewards.

While the issue of tobacco control can be considered as having experienced major progress, many dimensions remain to be addressed. First, there are still crucial structural measures that could be adopted worldwide from a public health point of view: smoking bans in outdoor facilities, the denormalization of smoking regarding the next generations, a comprehensive ban on tobacco advertising. These measures would involve further bans and regulations. We therefore argue that tobacco control offers an ideal venue to study the way member states take up contested societal problems. Switzerland is one of Europe's black ships in matters of tobacco control. Switzerland is not an EU member and consequently not bound by EU wide tobacco regulation, and its regulation is lagging behind in international comparison. Among other factors, political lobbying is particularly unregulated in this country, which opens the floor to the tobacco industry, especially at the national parliament. The main tobacco control players are local and national public health agencies and organizations specialized in prevention. At the state level, the public health agencies are more or less involved depending on the local political context. As to the local tobacco control organizations, their hands are sometimes tied regarding advocacy because most of them are almost exclusively funded by the states. Each Swiss state has a parliament, and the states have extensive regulatory power regarding tobacco control. Up to this day, the national state had enacted minimal legislation on the smoking ban (public places) and cigarette advertising (ban at TV and on the radio), and states are free to further regulate.ⁱ Municipalities are also free to further regulate at their level, which they sometimes do. Finally,

depending on the politico-institutional organization of each state, either the state, municipalities or both oversee law enforcement.

Our analytical approach is the comparative case study design with which we contrast the 26 Swiss cantons' activities from 2012 to 2019 in the field of tobacco control. The comparative case study focuses on the tobacco control regulatory areas: a) smoking ban in public places; b) ban on cigarette sales to minors; and c) tobacco advertising restrictions. While almost all Swiss states have regulated on these three matters between 2006 and 2010 (see table 1), the regulations remain minimal. All states have smoking restrictions in restaurants and bars but more than half of them allow smoking rooms. Only 16 out of the 26 states prohibit the sales of cigarette to minors under the age of 18, the remaining allowing sales from the age of 16 or having no restrictions. Two thirds of the states regulated advertisement, but the restrictions mainly apply to billboards and do not include other types of advertisement or sponsoring.

Table 1: Tobacco Control Regulation at the State Level

Canton (state)	Smoking ban**ii	Ban on tobacco sales to minorsⁱⁱⁱ	Tobacco advertising Restrictions**iv
Basel-City	Smoking rooms without service – 2010	Sales ban under 18 years – 2007	Billboard ban on public places – 2007
Basel-Land	Smoking rooms without service – 2010	Sales ban under 18 years – 2007	Billboard ban on public places – 2005
Fribourg	Smoking rooms without service – 2010	Sales ban under 18 years – 2009	Billboard ban on public places – 2001
Jura	Smoking rooms including service Smoking bars/restaurants – 2010	Sales ban under 18 years – 2013	No regulation
Neuchâtel	Smoking rooms without service – 2009	Sales ban under 18 years – 2015	No regulation
Solothurn	Smoking rooms including service – 2009	Sales ban under 18 years – 2007 ^v	Billboard ban on public places Advertising ban in cinemas Ban on sponsoring – 2007
St.-Gallen	Smoking rooms including service – 2010	Sales ban under 16 years – 2006	Billboard ban on public places Advertising ban in cinemas – 2006
Tessin	Smoking rooms without service – 2007	Sales ban under 18 years – 2013	Billboard ban on public places – 2009
Thurgau	Smoking rooms including service Smoking bars/restaurants – 2010	Sales ban under 18 years – 2007	Billboard ban on public places – 2007
Uri	Smoking rooms including service – 2009	Sales ban under 16 years – 2009	Billboard ban on public places – 2009
Valais	Smoking rooms without service – 2009	Sales ban under 18 years – 2007 ^{vi}	Billboard ban on public places Advertising ban in cinemas Ban on sponsoring – 2009
Vaud	Smoking rooms without service – 2009	Sales ban under 18 years – 2006	Billboard ban on public places – 2007
Zurich	Smoking rooms without service – 2010	Sales ban under 16 years – 2008	Billboard ban on public places*** Advertising ban in cinemas – 2008
Zug	Smoking rooms including service Smoking bars/restaurants – 2010	Sales ban under 18 years – 2010	Billboard ban on public places – 2010

* The possibility of having smoking bars/restaurants only applies to businesses smaller than 80 square meters.

** Unless otherwise indicated, the billboard ban includes signs in public areas and in private areas visible from the public space. *** The ban only applies in public areas.

The research is based on interviews, original evaluation data, official documentation, field observations and context analysis. The data collection was completed between 2012 and 2019. Data gathered in this research project is publicly available in the fourteen reports on tobacco control at the state level, listed in the "Data availability statement" (Additional data). Each of the fourteen states had one to three regulatory project(s), for a total of 28 projects. For each state, the data used in this article comprises interviews with the tobacco control organizations and their implementation partners (police, inspectorates, health public agencies, representatives of the private sector). The total was of 51 interviews. Each of the 28 regulatory projects was subject to a yearly self-evaluation during three years, which was also part of the data. In addition, a legislative analysis, a 13-years parliamentary analysis and a six-year media analysis of tobacco control debates was made for each state. The analysis was complemented by data regarding tobacco prevalence, prevention spending, advocacy and interest group, tobacco industry as well as on the states' social, demographic, and economic situations.

Our analytical strategy aims at the identification of configurations of factors favorable or unfavorable to state activism. The data analysis followed standards of qualitative social research but at the same time relied on the variables laid out in the theory section. The caving out of combinations of factors that lead or do not lead to state activism rests upon interpretative methods (Bevir and Rhodes 2015) and holistic inferences. The configurations are therefore aggregate empirical observations rather than Weberian ideal types derived from theory. All projects implemented by the states in the three regulative areas (smoking ban, sales ban, advertising restrictions) are displayed in the Supplementary Material in Appendix (Tobacco Control Activism at the State Level). State projects were categorized as innovative when implementation had ambitious features aimed at advancing tobacco within and beyond the state (i.e., initiating a regional dynamic, launching a national debate), as standard when they only comprised the enforcement of existing state regulation, and as conservative when they did not

even manage to enforce the existing regulation. Context factors identified in the theoretical part were used to structure the analysis (see Supplementary Material in Appendix). Political ideology is depicted through two indicators: the political orientation of the state's Health minister and of the government (majority). It shows whether the government has a left or a right-wing majority (less prone to prohibitions). Economic factors depict the dependence of each state to the tobacco industry, through two indicators: presence of the tobacco industry (headquarters, offices) as a taxpayer and an employer, and tobacco growing in the state. Health advocacy factors are depicted through two indicators: the number of health promotion organization that participate in the tobacco control program (NGOs, administrative offices), and the existence of a tobacco control specialized organization in the state, able to take the lead on advocacy activities.

4. Results: A Typology of Pro-Active and Wait-and-See Attitudes at the State Level

We find four favorable and four unfavorable configurations for local policy activism at the state level in matter of tobacco control. In the favorable configurations, cantons designed and implemented regulations that went beyond the minimal federal requirements and tried to launch a policy dynamic to improve the state of tobacco control in the country. The favorable configurations include a) the existence of local triggering events used as a window of opportunity to thematize the topic nation-wide and to counter the activities of the tobacco lobby; b) reallocation effects leading cantons to strengthen their efforts on one structural dimension of tobacco control because of deadlocks faced in other dimension; c) an innovative identity effect leading a canton to claim the lead on tobacco control because of past positive experience in that area leading to the building of a pro-public health identity and the accumulation of political credit; d) a regionalization effect leading cantons to build supra-cantonal capacity by scaling-up their effort, thus countering the limits of an action restricted to the cantonal borders. These

conditions have to do with factors identified in the theoretical part, especially the existence of strong expert network using windows of opportunities, politico-administrative capacities, political preferences and political capital, as well as institutional capacity at the regional level.

We also found four unfavorable configurations that include a) municipal resource burden effects, when cantonal and municipal preferences diverge, leading to block ambitious tobacco control programs; b) diffusion of responsibility effects, when responsible actors pass the buck for unpopular implementation tasks in the absence of a strong public health leadership; c) a local autonomy effect resulting in the rejection of tobacco control in a context of local historical acceptance of tobacco and a historical opposition between a cantonal government and the interference of the federal state; d) an economic dependency effect in cantons in which the implementation of the tobacco industry has a special importance in terms of fiscality and work places. These factors are also strongly dependent on local political preferences, the strength of local health advocates, regional identities, and other economic factors. These factors are therefore no sufficient conditions per se to foster or inhibit action and must be considered as playing out in holistic configurations.

Table 2 summarizes factors of action and inaction at the state level. Favorable effects on the left column depict state behavior depicted as *federal altruism* (i.e., producing long-term public good at the supra-state level). The effects hindering state activism on the right column are classified as *localism*.

Table 2: Factors Influencing Local (In)Action at the State Level

Public Good	Localism
Window of opportunity effect: local event triggers leading action at the subnational level	Municipal resource burden effect: municipalities block cantonal action by refusing to carry the administrative burden
Reallocation effect: deadlock on a policy issue stimulate innovation in another (close) one	Diffusion of responsibility effect: subnational authorities shift the responsibility to the federal state
Innovative identity effect: subnational unit capitalizes political credit by taking on a proactive identity on the topic	Local autonomy effect: subnational authorities historically reject local interference of the federal state
Regionalization effect: scaling-up of policy capacity at the regional level	Economic dependency effect: local economic dependency to an industry inhibits action

In the following, we exemplify the favorable and unfavorable configurations to local policy activism in matter of tobacco control based on the cantonal case study.

4.1. Favorable Configurations. The Pioneering States: Thinking Global, Acting Local

4.1.1. The Window of Opportunity Effect: Local Triggering Events. A crucial factor for pro-active state behavior in fighting political inertia at the national level was found in *window of opportunity effects* at the local level. One of the study states (Vaud) initiated decisive action aimed at restraining tobacco advertisement in Switzerland in the wake of a triggering event. This event combined with the existence of a strong local health prevention network. In 2016, Philip Morris International announced the opening of a concept store for its latest generation of products, the heat-not-burn cigarettes. The shop was framed as an experience store, including art exhibitions, co-working spaces, a conference center, tasting rooms and a café. Its opening was planned at the heart of the business and nightlife district of the state’s capital. Branded by

the tobacco company as a “flagship store”, it was meant to be a market test for the future development of new tobacco products.

In parallel, the local tobacco control organization experienced major deadlocks in advancing two other regulatory projects. It was trying to implement controls regarding second-hand smoke protection at workplaces. It was also waiting for the state government to issue an enforcement directive that would allow NGOs to initiate test purchases in relation to cigarette sales to minors, years after the legislative enactment of a ban in 2006. These regulatory issues were blocked at the political level because both needed the support of the State’s Department of Economy. The Department was led by a right-wing head party opposed to any intervention seen as hampering the interests of small and medium enterprises (see Additional data). Even if the majority of the government was left-wing, the Department had the capacity to block the issue through delaying tactics.

In this context, the local public health network put its efforts on the advertisement issue, based on the window of opportunity opened by the flagship store. The local tobacco control organizations, supported by the state public health agency and other public health actors (regional hospitals, physicians, NGOs), engaged in a two-years fight against the store’s opening. They led their advocacy campaign at a time when several attempts to strengthen the regulation on tobacco advertisement had failed at the national parliament. The struggle attracted media scrutiny and did not go without political risk for the local advocacy network. The direct public health impact of the fight was also rather limited at this scale, as the opening of the store would not have provoked immediate changes in tobacco prevalence. However, the advocacy network strongly opposed the project, focusing on the symbol. The advocacy network submitted an interpellation at the state parliament through allied politicians. It also filed an objection to the store’s business license, arguing that the tasting room constituted a breach to the smoking ban. These advocacy actions at the public, parliamentary and legal levels finally led the state

government to declare that it would not tolerate regulatory breaches, and the tobacco company to cancel the flagship store project. The state thereby won a nation-relevant fight against market-penetration through new strategies, without bringing an immediate public health reward at the local level. Through its strong local network of tobacco control advocates, it capitalized on an emerging issue on which it was possible to act given the local window of opportunity effect.

4.1.2. The Reallocation Effect: Inter-Policy Synergies. The local tobacco control organization of a neighbor state (Fribourg) actively engaged with the one from Vaud to further advocate advertising restrictions at the local and national levels through conferences and media interventions in different states. They informed national politicians on the issue through different means (letters, organization of population surveys) and participated in hearings from the upper house of the national parliament on the revision of the national Law on Tobacco Products in 2016. The tobacco control organization of Fribourg was facing the same blockage regarding the advancement of tobacco control at the local level on other regulatory issues. It was deadlocked regarding second-hand smoke at workplaces, with the right-wing Department of Economy also delaying the issuing of an enforcement directive (see Additional data). That is why it decided to reallocate its tobacco control resources to support the advertisement cause together with the state of Vaud. Most of the advocacy efforts invested by these two states did not provide them with any direct retribution at the local level, but their activism on advertisement was partly due to the deadlocks faced on another issue. The smoking ban at workplaces was a too sensitive topic, which prompted innovative action on a related issue. We identify thereby a *reallocation effect*, which shows the importance of considering a topic in relation to other adjacent issues.

4.1.3. The Innovative Identity Effect: Local Policy Path. Another dynamic of state activism related to *local innovative identity*. The state of Tessin, which was the very first to adopt the

smoking ban in Switzerland in 2007, continued to cultivate a progressive identity by opening the path for further regulation. This right-wing state had long been positioning itself at the vanguard of clean air policy. It had already realized substantial achievements in the nineties with restrictions on tobacco sponsoring for a big local international film festival. When this state issued the first smoking ban of the country, it had to deal with all initial objections against this innovative policy measure. The local tobacco control organization, the public health agency and several local politicians proudly claim this historical legacy. They constructed a policy narrative around the necessity for enlightened states to undertake unpopular policy actions to pave the way. Some of these players also adopted a cultural exception narrative claiming that being the only Italian-speaking state of Switzerland, Tessin was used to do things its own way. The state took an important step in 2016 with attempts to introduce outdoor smoke-free policies. After fierce controversies at the state parliament, the initiative was split into three political debates: smoke-free playgrounds, smoke-free outdoor hospitality areas and vaping regulation. To prepare public opinion to these upcoming changes, the strong local health advocacy network produces a background work in incentivizing smokers to voluntarily renounce to the cigarette in outdoor facilities and in introducing a smoking ban on some restricted areas such as ski resorts or bus stops (see Additional data). The debate on outdoor smoke-free policy is under close scrutiny and is seen as a test for further potential diffusion to other states. In return, local actors who took on this identity and the risks associated with this controversial issue have become the public face of tobacco control and converted it in political, associative, and local capital.

4.1.4. The Regionalization Effect: Cooperative Scale-Up. Local innovation was also found in a situation where a state aimed at creating a regional dynamic against the inaction of the federal level. This *regionalization effect* was based on the will to strengthen tobacco control, at least at the supra-state level. The initiators of this action hence attempted to balance the limited efficacy of a local regulation by widening it at the regional level. In 2016, the state of Basel-

Land actively promoted restrictions on tobacco sales to youth at the inter-state level. At that time, the federal state had been struggling with a revision of the Federal Law on Tobacco Product for two years and was unable to achieve significant improvements. Aware that in a country as small as Switzerland interactions across states are frequent, Basel-Land designed a regulatory project and advocated it among neighbor states.

Because of the frequent sale of cigarettes to youth in spite of the existing restriction, Basel-Land's public health agency conceptualized a new system in which a license was required for cigarette sales and could be withdrawn in case of law violation. In the previous system, no license was required, and penalties for non-compliant shops were rare. Being a new model, the state carefully conceptualized the policy by developing a cost-neutral system requiring a minimum of paperwork and prepared a policy paper for anticipated political oppositions. The state's public health agency also passed a deal with the head of the Health Department to wait until the reelection to move forward with the bill. In parallel, Basel-Land convinced its direct neighbor state (Basel-Stadt)—with whom it often collaborates on joint public policies—to launch the same policy process. Moreover, Basel-Land brought the issue in a coordination platform of Health Ministers^{vii} to persuade other states to adopt the reform and hence achieve a higher policy coherence at the regional level (see Additional data). To date, this process constitutes an advanced attempt to strengthen this regulatory area in Switzerland.

4.2. Unfavorable Configurations. The Inactive States: Hiding behind the National Level

4.2.1. The Municipal Resource Burden Effect: Municipal Stalling. Other contexts lead states to adopt a distanced attitude with regulatory responsibilities and to invoke the existence of higher governance levels to justify the status quo. In several cases, states attempted to initiate regulatory reform but were drawn back by municipalities in what we identified as a *municipal resource burden effect*, i.e., a refusal to assume a local administrative burden seen as imposed

by the federal state. One state who had a particularly loose regulation regarding second-hand smoke in restaurants and bars (Thurgau) attempted to strengthen law enforcement, knowing that there was a lack of control in the field. In this state, enforcement responsibilities in this area were held by municipalities. To incentivize the municipalities, the state conducted a survey among municipalities to determine: a) whether they were conducting inspections; b) if they needed support in fulfilling this task; and c) asking them to report monitoring data. The municipalities strongly complained and accused the state of interference in local affairs. The state had to commission a juridical expertise to clarify the respective competences across governance levels, and finally interrupted its action (see Additional data). This episode made it clear that any future strengthening was unlikely. Opponents argued that any potential further restriction should be undertaken at the national level. In this very liberal state, municipalities had a particularly high autonomy in the enforcement of tobacco control laws, and political parties having a critical stance against prevention policies had a strong political majority.

4.2.2. Diffusion of Responsibility Effect: Deflecting Unpopular Tasks. In the concerned states, drawing back from tobacco control was linked to the dominant perception by local actors that this issue was not really a part of their responsibilities, to the weakness of local tobacco control coalitions, and to the strong intertwinement between economic and political interests at the local level. This tended to generate a diffusion of responsibility effect, with every player avoiding to take in charge tobacco control tasks. This was particularly strong in a canton lacking experience and institutional capacity in this policy field and where a tobacco control program was launched for the first time (Jura). Health organizations and the public health agency failed to implement an ambitious policy because of local actors pulling back. The state was known for its resistance to the smoking ban in some geographical areas where smoking in public places was a strongly rooted habit, and the program intended to enhance controls and sanction on this regard. The state regulation was also one of the loosest of the country (smoking facilities, smoking rooms including service). The local hygiene inspectorate undertook a few isolated

technical controls related to the ventilation of smoking rooms. However, it did not perceive random controls in bars and restaurants as pertaining to its mission. It argued that this would cost too many resources, its priority being food hygiene, and that enforcing the smoking ban was a police task. As the law was unclear regarding implementation responsibilities, the police did not consider the smoking ban as its task either, because this was a public health and not a law-and-order duty (see Additional data). Finally, all actors underlined the importance of the tobacco industry in the local economy. In this context, the implementation of ambitious regulatory project would have needed a stronger coalition to sustain a public health vision. In the end, part of the project resources was reallocated to prevention activities around the more consensual issue of second-hand smoke near children at home and no regulatory achievement was achieved.

4.2.3. The Local Autonomy Effect: Opposition to Federal Norms. Tobacco control intervenes in a complex web of interconnections between local authorities, citizens, and local socio-professional groups. Whereas prevention is a long-term policy, local authorities also carry out a cost-benefice evaluation at their level regarding competing needs and interests. In a rural state with a strong anti-federal feeling (Uri), tobacco control was viewed as imposed by the central government. The perceived threat was both economic and cultural. Smoking also was a culturally rooted tradition in this state, where chewing and smoking tobacco was historically part of the rural culture. In this context, even a usually consensual measure such as the ban on cigarette sales to youth raised debates. The local tobacco control organization organized test-purchases for the first time in 2014 to enhance law enforcement. Although with 27 test purchases, the number of controls remained modest, the tobacco control organization encountered numerous problems.

Unlike in some other states, the local police did not want to support the controls through information or official warnings. The local population complained about the test purchases, perceived as an attack against local economy. In this small state with a thick network of local

acquaintances, the tests were quickly framed as going against local habits and values. Opponents strongly questioned the mystery shopping technique, based on false clients attempting to fool salespersons. In this context, it was complicated for the tobacco control organization to enforce procedures that had established in bigger states where anonymity was stronger. Citizens rejected the measure, and compliance rates with the law was of only 52% for the test purchases (see Additional data). Local politicians claimed that any further strengthening regarding the issue would be a national and not a state matter. In this context, the dominant framing of law enforcement as being averse to local interests took over youth protection.

4.2.4. The Economic Dependency Effect: Local Presence of Big Corporation. Finally, the local economic structure also explains low levels of commitment like in a state with a strong presence of the tobacco industry (Neuchâtel). In the local tobacco control program, test purchases were initially planned, but the state finally argued that it would wait and see the future evolution of this topic at the federal level before acting on its territory.^{viii} Although part of the parliament had asked for a local strengthening of tobacco control, the government primarily advocated local economic interests, because an international tobacco concern paying taxes and providing a thousand employments was established in the state. Hence, the middle- to long-term costs associated with a stronger regulation were mitigated by the immediate politico-economic reward for local political authorities. The defense of local employment was an important political issue for the government, who openly reported consulting with the tobacco concern during parliamentary debates. Contrary to other states in which tobacco concerns were also located, the economy of this state was less diversified, making it more dependent to tobacco interests. Consequently, even if not being weak or defunded, the local tobacco control organizations focused on politically consensual and non-regulatory actions like smoking cessation support. In this state, the government delayed for fifteen years the concretization of a parliamentary resolution which decided upon a strengthening of tobacco advertising regulation.

Similarly, the government issued the regulation on sales restrictions to minors in 2014, whereas the law had already been voted by the parliament in 2003 (see Additional data).

4.3. Learnings from Local Configurations of Activism on Large-Scale Issues

This study of local configurations bears some lessons for the qualitative understanding of the local tackling of global issues. First, the existence of strong networks of local advocates is a necessary but not sufficient condition. We saw that a canton with powerful public health activists can successfully use events to mark a score against the tobacco industry globally (e.g., cancellation of the flagship store), while however not being able to advance policy implementation on specific topics if the responsible Agency is blocking the regulation (e.g., non-issuing of an enforcement directive). This also shows that the "local political preference" factor is not as unilateral as more macro study might assume: a cantonal government with a political majority favorable to tobacco control can nevertheless experience blockages if key agencies are in the hand of right-wing politicians—like it might happen in coalition or consensus systems. Local political preference is therefore also a necessary but not a sufficient condition and this factor should be treated with nuance. However, a strong network of local advocates is a sufficient condition to ensure high levels of activism likely to result in concrete outcomes, as it can target various sub-topics along a dynamic of reallocation when certain doors are closed (e.g., tobacco control at workplaces). Deadlocks at the local level may even favor a conversion toward higher-scale activism at the national level (e.g., the case of advertising restrictions). Similarly, the scaling-up of policies at the regional level can be a way toward more effective local solutions to global issues (e.g., inter-cantonal sale regulation), thus making local action more attractive. A local innovative identity can also be a leading condition for major policy advancement, even in a politically unfavorable context. This happened with the canton that historically spearheaded tobacco control in Switzerland. Even though the canton historically has a right-wing majority, its leading action on this issue marked the local political

culture and contributed to shape the "local preference" factor. The canton continues to launch path-breaking debates on tobacco control because of the positive experience to having been right against everyone, as the subsequent dissemination of the smoking ban in the rest of the country has shown.

As far as unfavorable conditions are concerned, diverging municipal and cantonal preferences constitute an important factor. Hence, even if the cantonal level is willing to act, opposing preferences at the local level can hamper the advancement of the case, as seen with the municipal resource burden effect. This shows that subnational preferences must take different governance levels into account in federal systems, as municipalities can hold strong veto power and defend their local autonomy (e.g., reinforced controls regarding the enforcement of the smoking ban). The alignment of policy preferences at the cantonal and municipal levels thus appears to be an important condition, especially for municipalities with a strong political capacity. In addition, a weak local network of policy advocates is, without surprise, a sufficient condition to ensure inaction. Interestingly, the study shows that this happens along a diffusion of responsibility effect (potentially responsible institutions passing the buck to each other), even in policy areas in which clear regulation exist (e.g., smoking ban in restaurants and bars). An anti-federal attitude strongly rooted in the canton's political history is also an unfavorable condition to act on a policy that is perceived as being pushed by federal experts and considered as contrary to local traditions (e.g., the case of test purchases). Finally, economic interest when a tobacco multinational company brings tax income and workplaces to a canton strongly shapes local political preferences, which can lean toward short-term political reward rather than long-term public health benefits. Interestingly, this constitutes only a seemingly sufficient condition when the canton is particularly dependent on this revenue due to a low economic diversification. Other cantons that also shelter tobacco multinational manage to have more ambitious tobacco control policies when their economy is stronger and more diversified.

In the following section, we embed our findings in the literature and show how they contribute to extant theory.

5. Discussion

The issue addressed here is that of the disconnection between policy action taken by states in federal systems and the efficiency that can be expected at this scale. This brings to light a federal paradox, with spearhead states deciding to act regardless of a low immediate political reward and policy outcome at the local level. This phenomenon affects policy issues that: a) are likely to be unpopular because they rely on bans and restrictions to produce public good; and b) are high-scale problems that require global action. Public health or environmental challenges typically fall into this category. This raises the question of the context factors triggering such a course of action. In some configurations, infra-national players take it upon themselves to initiate policy innovation, opening the path at the local level or investing resources in advocacy actions at the national level. On the contrary, some states adopt a wait-and-see attitude on low-rewarding issues. In federal systems, there might be a strong belief that “‘local’ is, in principle, always preferable to ‘distant’” (Dardanelli 2010, 145). However, the multi-layer governance structure also provides a convenient argument to avoid policy action on disputed matters and pass the ball to the higher governance level. This highlights the complex power games among levels of jurisdictions beyond the formal division of tasks. The mechanisms of a local tackling of global issues are also at play in other types of multi-level governance processes, such as within the European Union, with national states sometimes taking into their hand matters that could be better addressed with supra-national policies.

The tobacco control case draws the attention towards the necessity to focus on local interactions to understand the set of factors leading to policy innovation at the state level. Several favorable conditions were found. First, triggering events either open a window of opportunity for policy innovation in the presence of a local health coalition, or by reallocation effects from one policy

to another. Second, the policy path at the local level can generate a specific type of political and organizational capital and lead to a innovative identity. Finally, some states take the lead when the possibility exist to scale-up the policy at the regional or national level. Alliances between specialized NGOs and public agencies proved to be crucial, as these two types of organizations can pool their complementary resources and expertise. Coming back to our initial theoretical underpinnings, these conditions proved crucial, but it also turned out that they are highly interactional and cannot be summed up under a set of fixed variables. Hence, the literature investigating the determinants of local policy innovation usually identifies factors such as health spending levels, political majority, or the local presence of an industry. As important as these factors might be, they must however be considered at the light of the contextualized interactions they generate (Hassenteufel 2011). This makes the case for a diachronic approach of policy processes.

For instance, political majority is not an absolute explanatory variable for the policy outcome. In case of multi-party coalitions, the question of which party runs the relevant public agency is equally important. Hence the partisanship factor must be considered closer than at the aggregated level, and turns to be “far less clear-cut than it seems” (Broschek 2022: 793). In our cases, partisanship did not have a unilateral effect, and right-wing states could have innovative policies depending on mediating factors like the strengths of the local health coalition, triggering events, and local policy paths. Similarly, interrelations between connected policy sectors matter (Trein et al. 2021). A focus on single policy sub-fields might overlook domino effects, as policy fields are not insulated from each other—as shown by the interaction effects between the various structural dimensions of tobacco control. Finally, the local presence of an industry adverse to public health does not have automatic effects either. It can be decisive, but a lower dependency to this source of income in the economic structure of the state can balance it. The actions of tobacco companies can even trigger strong counter-reactions and radicalize

the modus operandi of health coalitions. Such counter-effect are found in cases where there is a strong local health coalition. When the local economic dependence is high however, the influence of the tobacco industry might take over. Consequently, this variable should not be used as a unique explanatory variable, either, but considered in relation to intermediary factors.

In the end of the day, whether the central state is willing to take over policy innovations launched at the sub-national level is another question. The learning process at the federal level is far from straightforward. The national state often ignores successful local policy initiatives. The reasons were identified in the need for federal officials to claim credit for their own policies and in the different distribution of interest groups across levels of government (Weissert and Scheller 2008, 171-172). The latter applies to tobacco control, a policy field in which the tobacco lobbying strongly invests the federal political level. At the local level, its presence is unequally distributed locally. In addition, tobacco control is an entangled issue bringing together moral, social, and economic considerations. It therefore sheds light on factors such as political games, interest group lobbying or cross-sector alliances in multi-level governance and allows for a refined understanding of the tackling of complex and intertwined global issues.

6. Conclusion

This study focused on the role regional governance may play in fostering major policy turns on global issues that are often considered at the national or international level in the literature, thus creating a blind spot on the crucial role of infra-national constituencies. It takes interactive configurations at the local level seriously, and proposes to explore the conducive and hampering conditions for the local tackling of large-scale issues. It is in line with research on the contribution of sub-national government to policy innovation, be it when states use their regional autonomy to create distinctive regimes in specific policy areas (Tillin 2022), or when municipalities take the political leadership to achieve objectives on particularly contentious issues (Sabchev 2022). It responds to the call made to examine how the local scale offers

opportunities for—sometimes low-key and therefore overlooked—transformational change in the governance of major current global problems such as climate change (Castán Broto 2020).

Can we learn from these findings beyond the studied case? We argue they are both with regard to other federal systems such as the EU and with regards to other policy sectors that need global solutions. As for the first point, Freitag and Rapp (2013, p. 440) state that Switzerland embodies a microcosm of Europe due to its varied cultural, linguistic, religious, and regional diversity. Switzerland's federalist system is highly decentralized, and member states are granted significant discretionary powers, akin to the EU's multilevel governance structure. Consequently, the authors concur with Stein Rokkan's cue that "anyone wishing to study the dynamics of European politics should immerse him or herself in the study of Switzerland" (Freitag and Rapp 2013, 440). We therefore argue that the findings from the case are insightful for federal systems beyond Switzerland. As for the second point, we argue that bottom-up state activism is not restricted to tobacco control but might be particularly likely to happen in the case of other polarized issues such as same-sex marriage, marijuana regulation (Pickerill and Bowling 2014), or climate change (Shobe and Burtraw 2012). Since such policies require a liberal political orientation and are often driven by community activism, local governments—although not always the most efficient scale of action—might be more responsive to such claims. Cities also want to reflect the views of the urban electoral clienteles they try to attract (Simon Rosenthal et al. 2015, 552-553).

In face of the upcoming societal challenges requiring global action and a coordinated policy response, the question of mismatches between the effective and the required scale of the action is of increased relevance. In general, the divergences between central and state politics provides room for negotiation and conflicts in federal governance structures (Jeffery 2022). In this regard, the rationale pushing subnational entities to act on their level deserves closer analytical attention. Recognizing the leading role states sometimes undertake, it has been rightly

underlined that “the most remarkable feature of a state driven policy agenda on climate change is the apparent imbalance between aggregate local costs and benefits”; a clue to understand why states can be willing to nevertheless act lies in the *distribution* of expected costs and gain within a state and the related advocacy activities (Burtraw and Shobe 2007, 5). This allows for a better apprehension of the federal paradox and pleads for micro-explanatory models. In this regard, local policy innovation in the tackling of large-scale problems should be considered. Further examination of these initiative would provide opportunities to refine our understanding of the governance of global issues. This is most needed in a time when local to global public action going against immediate economic interests is required to produce a higher public good, as global health and climate crises currently show.

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Notes

ⁱ The national state has an exclusive regulatory competence on tobacco pricing, taxes and on regulating the composition of tobacco products. In February 2022, the Swiss population accepted a national initiative aimed at further regulating the advertising of tobacco products at the national level. The federal authorities are currently preparing the corresponding regulation.

ⁱⁱ Swiss Federal Office of Public Health, Protection contre la fumée passive, <https://www.bag.admin.ch/bag/fr/home/strategie-und-politik/politische-auftraege-und-aktionsplaene/politische-auftraege-zur-tabakpraevention/tabakpolitik-kantone/passivrauchschutz-kantone.html> [last accessed 21.11.2023].

ⁱⁱⁱ Swiss Federal Office of Public Health, Interdictions de remettre du tabac aux mineurs, <https://www.bag.admin.ch/bag/fr/home/strategie-und-politik/politische-auftraege-und-aktionsplaene/politische-auftraege-zur-tabakpraevention/tabakpolitik-kantone/abgabeverbot-tabakprodukte-kantone.html> [last accessed 21.11.2023].

^{iv} Swiss Federal Office of Public Health, Restriction de publicité pour le tabac dans les cantons, <https://www.bag.admin.ch/bag/fr/home/strategie-und-politik/politische-auftraege-und-aktionsplaene/politische-auftraege-zur-tabakpraevention/tabakpolitik-kantone/werbeeinschraenkungen-kantone.html> [last accessed 21.11.2023].

^v In this canton, the 2007 sales ban was for underage 16, and was eventually extended to people under 18 years in 2019.

^{vi} The same remark applies to this canton.

^{vii} Schweizerische Gesundheitsdirektorenkonferenz Nord-West Schweiz.

^{viii} Because of the ongoing revision of the Federal Law on Tobacco Products at the national parliament, which is not achieved to this day because of sharp political disagreements.