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International Legal Ordering and the Lithium Supply Chain: Struggles over Extraction, Corporations, and the Developmental State

Abstract: International legal and financial organizations have recently been proposing that the acquisition of lithium and other critical minerals should be mediated through particular kinds of supply chain policy. In this article, I examine the legal practices that have shaped lithium extraction, and the modes of legal thought on the relationship between the nation-state and the corporation that have influenced how international lawyers often understand this intensifying extraction. I suggest that what we now call the lithium supply chain could be understood as an accretion of practices of international legal ordering, very often in a hierarchical manner. In my analysis, these historical practices of legal ordering can shed light on international institutions' current focus on critical mineral supply chains, where demands for reparation or reorganization of the global economy often become sidelined through the promise of the energy transition: that more lithium is all we need.

Keywords: lithium, supply chains, energy transition, extraction, development, international law

I. Introduction: Lithium Today

Many international legal institutions describe state or corporate initiatives to progress the energy transition as self-evidently in need of large quantities of "critical" minerals such as lithium (Hund et al. 2020; Boer et al. 2021; IEA 2023; WEF 2023; see further Cotula 2025). Indeed, over the past five or so years, from mining companies to the US Department of Defense to Deutsche Bank, even actors who have been at the center of the fossil fuel economy have turned their gaze to lithium (EIT RawMaterials 2025; Albemarle n.d.; DoD News 2021). There is the emerging idea that it is possible to "driv[e] for cleaner air!" This slogan appears on a truck belonging to an agricultural chemical company in Norway, a state with one of the highest numbers of electrical vehicles (Rauter 2021). Of course, these ideas and initiatives are highly contested, both in terms of how the profits and harms of increasing lithium extraction would be distributed (Perrone 2024b) and in terms of who should have authority over how we relate to lithium and the places that it is

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found (OPSAL 2023; Ramos 2024). The energy transition is a complicated institutional project, often conflated with, but decidedly not the same as, decarbonization.[1] Rather, questions of militarized security, political rivalry, and economic strength have been central to the emergence of a particular North Atlantic idea of what the energy transition means (Riofrancos 2023) that has been largely embraced by international legal institutions. Moreover, as I argue elsewhere, to inaugurate the energy transition in this way, many states and corporations from the Global North drew on a legal technology that had previously been very effective for their projects—the supply chain (Murphy 2025).

International organizations have recently been proposing that critical mineral commodity acquisition should be carefully mediated through particular kinds of supply chain policy (Hund et al. 2020; Boer et al. 2021; IEA 2023; WEF 2023). In this article, I examine key aspects of the extraction and production of lithium to trace how international law shapes these practices. I suggest that what we now call the lithium supply chain could be understood in a longer historical context as a form of immensely hierarchical legal and political ordering with multiple antecedents. This forms part of a larger project (Murphy 2025). In this article, I focus on a specific element of this broader project, a particular history of nitrate merchants, copper and lithium companies, and struggles over resource concessions in the north of Chile that points to how resource extraction has been shaped by international legal developments. I examine the legal practices that have shaped lithium extraction, and the modes of legal thought on the relationship between the nation-state and the corporation that have influenced how international lawyers often understand the configuration of this extraction. In my analysis, these practices of legal ordering can shed light on international institutions' focus on critical mineral supply chains, where demands for reparation or reorganization of the global economy can become sidelined through the promise of the energy transition: that more lithium is all we need (see TSF 2023).

A. Redescribing the Form of Commodity Supply Chains

Commodities and their extraction have long been a site of struggle. Studying the place of commodities in international law provides a window into how particular resources and organizations have been mobilized by states, corporations, lawyers, or communities in instituting and resisting empire (Fakhri 2014; Ranganathan 2019; Chimni 1987; Kulamandayil 2025). In this article, I investigate struggles over lithium extraction by paying attention to the broader international and transnational dynamics that such extraction is entangled with, especially with respect to the form of the supply chain.

To get a sense of the meaning invested in the idea of the supply chain form, we can turn to a recent piece in *The Financial Times*. In that piece, the author declares supply chain managers to be "the heroes of the world economy," being "called upon to keep the universe in order" (Beattie 2024). In general terms, a supply chain is a way of organizing production that is often said to have emerged with changes in the global economy around the 1980s. This was a time when a reduction in the number of large, vertically integrated companies was taking place and an increase in financialization was replacing the previous model of production (Gereffi 2013; Bair 2009; Tsing 2009). These changes brought with them the practices of offshoring and the organization of business activity through contractual relationships rather than corporate personality or ownership (Gereffi 2013; Bair 2009; Bair and Danielson 2019). The supply chain is paradigmatically a dispersed mode of production that subordinates competing objectives to profit maximization,

[1] Indeed, military uses of critical minerals are at the forefront of multiple aspects of this emerging landscape. See Steichen (2025).

exacerbates racialization and labor exploitation, and, as we have seen in recent years, is highly unstable (Cowen 2014; Khalili 2020).

It is, however, difficult to give a single definition of the supply chain form, because how someone thinks about and describes a supply chain is entwined with their political objectives and whether they want to make money from it, secure political authority through controlling it, or critique it. For instance, in the early 1980s management consultant Keith Oliver had the idea to manage "a chain of supply as though it were a single entity" (Booz Allen Hamilton 2024). Oliver was providing advice to Dutch electronics company Philips on how to maximize efficiency and profit through integrating inventory processes between its corporate departments. He called this process supply chain management (ibid.). Oliver worked for the London office of US consulting firm Booz Allen Hamilton, founded as the Business Research Service in 1914 (Booz Allen Hamilton n.d.). The firm claims among its achievements the blueprint for the reorganization of the growing US Navy during World War II, and that its founding partner James Allen coined the phrase "management consulting" in the 1930s, which contributed to defining the field (ibid.).

Booz Allen Hamilton had made money consulting for the US Navy, but the Navy's reorganization was not designed to maximize profit. This does not mean, however, that this earlier work had nothing to do with the ideas that led to the development of supply chain management. Indeed, there are several elements to the project of making money through supply chains. Offshoring or paying less for labor is certainly one (Cowen 2014; Khalili 2020). Disaggregating corporate structures to avoid liability is another (Bair et al. 2023). But as the example of Oliver's consulting strategy for Philips reveals, efficiencies in inventory management and organizational structures are also relevant. For this reason, it is not entirely unsurprising that many states in the Global North are seeking to control contemporary supply chains for critical minerals as a way of exercising authority in the global economy and international legal order. But this did not happen inevitably.

Critical political economy scholars have observed that law has enabled many elements of supply and value chains, such as labor exploitation through minimal regulatory standards (sometimes called the race to the bottom), as well as outsourcing and offshoring without liability (for example, IGLP Law and Global Production Working Group 2016; Medellín Group 2025; Bair and Mahutga 2016; Alessandrini 2020; Cohen et al. 2021). Many contributions from transnational legal scholarship have focused on how legal regimes have enabled corporate disaggregation, offshoring, and outsourcing, and lead firms' control of production through contract rather than direct ownership (for example, Sobel-Read 2014; Kampourakis 2021). Scholars of international law and development have also pointed to how the regulatory race to the bottom has been created through the conditions placed on states in the Global South by international legal and financial institutions. These include debt conditions and their currency denominations, even as that debt and mode of currency exchange are themselves the result of unequal terms within the economic order (Nesiah 2022; Pahuja 2004; Tzouvala 2024).

I join this group of international law and development thinkers in their account of international law as practical and institutional—or, we could say, as practices of international ordering through the arrangement of often asymmetrical legal relations (McVeigh and Pahuja 2022). This body of work invites us to approach or understand the effects of law in the world through investigating specific legal practices and institutional techniques. For instance, the disciplining activities of international development institutions have made reorganizing public budgets, reducing oversight over corporations, and otherwise facilitating the circulation of goods within a supply chain into key imperatives for states deemed to be underdeveloped or developing (Alessandrini and Okonjo 2023; Eslava et al. 2023). For these scholars, development operates as an authorizing narrative to create or maintain hierarchical relationships in the international order (Eslava and Pahuja 2020).

The specific form of the narrative has changed over time, from explicitly colonial racialization to the imperative of economic growth, first in centralized and then in decentralized ways (Pahuja 2011; Eslava 2015; Eslava and Pahuja 2020). Such an attention to the constitutive work of law, as opposed to its regulatory function, expresses a commitment to the idea of worldmaking. That is, the idea that international law is not separate from the violence and inequality of contemporary and historical worlds, only joining the picture to remedy injustice. Rather, the idea of worldmaking expresses how international law is a central part of constituting these worlds and their material conditions and political struggles (Getachew 2019; Gevers 2024). The claim to authority or to decide what is or is not a question of law is a central part of global hierarchies and everyday struggles—a particular form of violence that often requires peoples and communities to take up a dominant language of law (Pahuja 2013).

In this article and the larger project that it is drawn from, I make the argument that there is significantly more law underpinning supply chain arrangements than is often acknowledged by international institutions. My analysis draws from methods of critical redescription that seek, as a mode of political engagement, to denaturalize and put into question aspects of legal, social, and economic life that are often taken for granted (see Pahuja 2013). In other words, I focus on how the lithium supply chain is made and naturalized or how specific legal practices and modes of thought necessary to make operational the transfer of resources through the form of the supply chain are authorized and enacted. I also draw from methodological and theoretical orientations that point toward what is at stake in the ahistorical or uncritical acceptance of legal forms (Pahuja 2013; Dao 2023; Hasan Khan 2019; Dorsett and McVeigh 2012; Eslava 2015; Orford 2012). Indeed, hybrid technical-material-epistemic practices produce and authorize material relations in part through uncritical receptions of legal forms, or by accepting accounts that obscure or erase significant political and legal struggle (Dao 2023; Eslava and Pahuja 2020). Seeking to resist the further authorization and operationalization of such legal forms and attendant material relations means being attentive to their connection to broader legal architectures, political economy, and enmeshment with and effect on multiple expressions of human and more-than-human life (Pahuja 2013; Dao 2023; Hasan Khan 2019; Dorsett and McVeigh 2012; Eslava 2015). This body of work is relevant to the legal practice and policy analysis that participate in shaping the trajectory, form, and effect of the not-yet-fully-concretized energy transition. That is because such practices may risk bringing into being new critical mineral supply chains without interrogating their form and connection to broader legal architectures that were put in place to suppress challenges to extractivist political economies over time.

B. Argument Outline

Lithium is extracted from a growing number of places around the world. This article focuses on the north of Chile, a place significantly impacted by the current energy transition (Alywin et al. 2023; Carrasco et al. 2023 B; Ramos 2024; Hailes 2022; 2023). Indeed, a documentary made by the Plurinational Observatory of the Andean Salt Flats (OPSAL), *Water Is Worth More than Lithium*, begins with activists and community members in San Pedro de Atacama, in the north of Chile, watching a mining company's promotional materials (OPSAL 2022). The camera shows a large canvas sign being painted to read "We are not a sacrifice zone," a term that refers to the harms caused by extractive industries being concentrated in areas already marginalized by global capitalism and that receive very little of the profits or other benefits from the project (OPSAL 2022; Scott and Smith 2017).[2]

[2] OPSAL has also published interventions on topics spanning the greenwashing of lithium mining, increasing incursions onto community land, and the demands of the industrialized North for export-oriented lithium extraction practices (OPSAL 2024a; 2024b; 2024c; 2024d).

Focusing on lithium extraction from Chile also enables us to see the historical constitution of a supply chain form through modes of postwar neocolonial worldmaking and their antecedents. Specifically, it enables us to see how forming the lithium supply chain began with a concerted effort by states and corporations from the North Atlantic to suppress challenges to the existing international legal order by leaders fighting for a New International Economic Order (NIEO), and in particular the international legal projects of then–Chilean President Salvador Allende.[3]

I start this article's investigation by examining who currently extracts lithium, and how they claimed authority to do so. Sociedad Química y Minera (SQM) and Albemarle are the two largest lithium companies operating in Chile. Following a history of their operations reveals the role of US copper companies and British nitrate merchants in this story, as I will explain. The legal instrument that often authorizes resource extraction is a concession agreement (Leiter 2022; Kulamandayil 2022). Concessions are usually understood in a way that reproduces a sharp distinction between the state and the corporation (Ohler 2013). However, in my analysis I examine rather than adopt the distinction between state and corporate form as a mode of international legal thought. This leads me to argue that practices of lithium extraction have a more significant and complex relationship to law—specifically as practices of international legal ordering.

In Part II, I inquire into the relationship between resource concessions and international legal practices of state-making, such as the doctrine of recognition and the Monroe Doctrine. I give an account of how a US copper mining company, Anaconda, found lithium deposits and sought mining concessions from the Chilean state. The beginning of lithium mining in the Atacama region, I suggest, was enabled by the international legal practices concerning resource concessions and postcolonial statehood.

In Part III, I trace how postcolonial leaders challenged the international legal practices that had enabled Anaconda's access to Chilean resources. These increasingly powerful struggles took shape as legal arguments for Permanent Sovereignty over Natural Resources (PSNR) and just prices for commodity extraction. They were, among other things, about whose law governs the arrangements when disputes arise. Amid these struggles, Salvador Allende's copper nationalization program took on international significance. Following what happened to resource concessions for lithium (and copper) in the Atacama region, I then give an account of how the North Atlantic states and corporations who had benefited from the international legal order, now under threat, devised and enacted a form of sabotage through refashioning international legal practices. I argue that the organization of lithium extraction and production into a supply chain would be enabled as part of this earlier refashioning of international legal practices. One way this was actualized was through mobilizing and revising projects of international development in direct response to the more structural challenges of the NIEO. These international legal practices also, in my argument, embedded a particular form of extraction and production in the international legal order to suppress further challenges from leaders like Allende. Yet because the reformulated international legal practices had ultimately restabilized practices of extraction and their relationship to modes of legal thought on state and corporate forms, the precise form of these legal practices and their inequitable effects have become harder to see.

[3] These projects are broader than I can do justice to here, but see further Cong and Quintana (2023).

II. Anaconda Copper Company: Struggles over Commodities and International Law Before Contemporary Lithium Extraction

The Anaconda Copper Mining Company was formed in Butte, Montana, in the late 1800s, and in 1923 it bought mining rights in Chile from the Guggenheim Exploration Company, which had in turn acquired them from British merchants Duncan Fox & Co. (Méndez et al. 2021). In the 1960s, Anaconda was searching for an increased water supply for its extractive operations, and in the process found lithium deposits. Understanding what happened next in the formation of the lithium supply chain requires understanding what had happened up until that point.

To understand what enabled Anaconda's extensive mining operations with respect to international law and domestic and international political economies, I examine rather than adopt the typical understanding of resource concessions in international law. A standard definition of a resource concession is a contract between a nation-state and a private entity. For instance, a representative definition from a prominent international legal encyclopedia differentiates concessions from joint ventures or production-sharing agreements for this reason (Ohler 2013). In this definition, a concession is not a public-private partnership, but rather a delegation of public activities or power to a private (nonstate) entity. In many cases, the purpose of a concession is to extract resources or build infrastructure, which is often justified in contemporary times by reference to the purported efficiency of private actors (ibid.).

To somewhat complicate this definition, we can appreciate more of the effects of resource concessions by placing them in various historical contexts. Concessions have a history stretching back to chartered colonial companies and were used to help consolidate imperial territorial claims (Stern 2023; Craven 2019). Throughout the nineteenth century, concessions were used for imperial telecommunications and transport infrastructure, including railways and canals. After formal decolonization, oil companies used concessions to maintain control over extraction and production (Perrone 2025). In many instances, formerly colonized states were required by international law to honor concession agreements that former colonial administrators or metropolitan governments made with foreign companies (Craven 2019; Perrone 2025; Perrone 2021). A definition of a simple state-company contract that carries an implicit account of voluntary mutual formation does not capture this history. Indeed, the history of Anaconda's copper concessions reveals a more unstable relationship between the resource concession, the nation-state form, the role of the corporation, and practices of international ordering.

My analysis therefore joins work that complicates the long-professed dicta of international law that state consent and state formation are the basis of the discipline. Luis Eslava and Sundhya Pahuja, in particular, have identified the formation and actualization of the developmental state through the second half of the twentieth century, showing that, in contrast to long-held disciplinary commitments, international law continually makes the nation-state (Eslava and Pahuja 2020). This meant that after decolonizing states from the Global South won wars or other modes of struggle for independence, the form of the nation-state was the only available option of internationally recognized sovereignty for them to take up, and, as a form, it often constrained political possibilities (Storr 2021). As Pahuja observes, "self-determination could only be achieved at the cost of self-definition" (2013, 58). Projects of development have played a central role in authorizing this international making of the nation-state form over time (Pahuja 2011; Eslava 2015; Thornton 2021). This was especially so once the powerful state projects behind former US President Harry Truman's famous address of 1949 consolidated development into "a more concrete institutional project and a centrepiece of international relations" (Eslava forthcoming, 12). Equally important to states like the US was maintaining imperial patterns of access to resources; as Eslava puts it, "access to Southern resources would now be formally consented to

by 'sovereign' nation-states as a necessary precondition to their 'growth'" (Eslava 2019, 83). Indeed, economic growth was a key element of the growing development science produced by new international institutions such as the World Bank. Although development rose to international prominence in the aftermath of World War II, it had longer histories and links to the interwar administration of the League of Nations and earlier colonial governance (Eslava forthcoming).

International legal practices and modes of thought had underpinned Anaconda's acquisition of concessions from British nitrate merchants in the early twentieth century. In the nineteenth century, before the rise of development as an international project, European international legal practices also conditioned through the nation-state form what kinds of political sovereignty over territory, the economy, and natural resources were possible (Eslava and Pahuja 2020). The institutionalization of the nation-state form in the nineteenth century was therefore linked to suppressing alternative forms of articulating and enacting authority. As Pahuja has highlighted, "struggles . . . about the ongoing actualization of the state" were also "struggles over the actualization of a European international law" (2013). Legal practices had direct impact on international state-making processes. In my analysis of practices of extraction and the nation-state form in this article, the relationships between resource concessions, the doctrine of recognition, and the Monroe Doctrine are particularly influential.

A. The Doctrine of Recognition and Resource Concessions

In a purely doctrinal understanding of international law, the doctrine of recognition does not have any obvious links to whether or not a state would grant resource concessions. But, as I will argue, analyzing international legal practices and their connection to struggles over empire and political economy reveals a more complex relationship. The doctrine of recognition was a narrow set of criteria that European states and empires used to decide whether or not to recognize a state as part of the "family of nations" in the nineteenth century (Becker Lorca 2014, 102). The links to imperial discourses of civilization are clear (Clark 2017; Tzouvala 2020; Anghie 2005). As Antony Anghie observes, the doctrine of recognition

> was not merely, or even primarily, about ascertaining or establishing the legal status of the entity under scrutiny; rather, it was about affirming the power of the European states to claim sovereignty, to reinforce their authority to make such determinations and, consequently, to make sovereignty a possession that they could then proceed to dispense, deny, create or partially grant. (2005, 100)

These narrow criteria for statehood both limited the outcomes of struggles toward independence, and entailed the newly independent state accepting at least some elements of the international law of European imperial powers at the time, including terms of trade and consequent access to natural resources. Recognition by an economically powerful entity such as Britain carried extra weight among European powers. Latin American states thus often pursued recognition from Britain as a strategy to avoid being recolonized by Spain (Becker Lorca 2014). As part of this process of state formation, Chilean officials established relationships with the British commodity traders whose economic interests Anaconda would later acquire.

The connection between resource concessions and the form of the doctrine of recognition was not lost on the Latin American jurists who resisted this and other European international legal practices.[4] Chilean international lawyer Andrés Bello, for instance, warned that the terms of British

[4] See generally on a complex tradition of Latin American jurists who embraced, reformulated, and resisted European international law, Obregón-Tarazona et al. (2023-); Uriburu and Quintana (2024); Becker Lorca (2014).

recognition made it "unequal in substance in so far as these [European] nations had a significant economic advantage over the newly independent states" (Perrone and Schneidermann 2024). Bello was referring primarily to the unequal terms of trade contained in the Friendship, Commerce and Navigation treaties that Britain often signed with Latin American states shortly after independence. Nicolás Perrone and David Schneidermann highlight that Bello proposed a remedial clause in these treaties that would enable certain tariff preferences (ibid.). In this way, Bello resisted Britain's discourse of free trade, and pursued local industrialization, regional integration, and solidarity between Latin American states (ibid.). Like many jurists that would follow, Bello was skeptical about foreign investment as a path to industrialization, and argued that regional integration would better consolidate economic sovereignty and enables states like Chile to regain control over their natural resource sectors (ibid.). Britain, however, never agreed to such terms and Britain's dominance in trade and shipping meant that by 1870, Britain was buying 60 percent of Chile's exports and supplying 45 percent of Chile's imports (Mayo 1981, 96, 100). Coming in the wake of Chile's independence from Spain, the relationship between Britain and Chile at the time has been characterized by scholars as an informal empire (Scarfi 2017).

The standard definition of a concession carries an implicit separation between public (state) and private (nonstate) actors, as I outlined earlier. So does a standard way of understanding the doctrine of recognition, where the primary actors appear to be European states or states pursuing recognition. However, I suggest that paying attention to the political economy of struggles over resource concessions shows the significant role that corporate actors also played in shaping practices of international legal ordering in relation to extraction and the form of the nation-state. Indeed, a range of commercial actors from small merchant associations to large corporations each played a central role in British formal empire and more informal imperial business relations (Stern 2023). Philip Stern complicates distinctions around public and private power, formality and informality, by characterizing these practices as "venture colonialism" and "patchwork empire" (ibid. at 1, 10). The received mode of legal thought that the nation-state exercises public power and corporations only exercise private power makes this complicated patchwork harder to see. For instance, British merchants extracted and sold nitrate from the same region where Anaconda would later extract copper and find lithium, the Atacama Desert in Chile's north. Nitrate was important for producing military explosives and agricultural fertilizers. During World War I, Allied states and British merchants worked together to govern nitrate supplies from the Atacama region. Merchants pooled the nitrate they had extracted, and a state-company collaboration, the Nitrate of Soda Executive, fixed prices and enforced quotas (Martin 2022, 31). The Executive was led by Herbert Gibbs from Antony Gibbs & Sons, who was a leading British nitrate trader, but it was also staffed by officials from several Allied governments (ibid. at 36). The Executive wielded significant power over Chilean resources as it "effectively became the sole customer" for what "accounted for almost 80 percent of the country's total exports on the eve of the war" as well as half of its income (39). The Executive's "extraordinary powers of monopsony" forced Chile to accept lower prices for a key national export (40–41). Jamie Martin observes that the Executive was enabled by previous imperial incursions and that it "put the Chilean government and economy into a deeper state of dependency" that would continue (42). Indeed, during World War II commodity supply was controlled in a similar way. As Mona Paulsen highlights, "the US allocation for the fourth quarter of 1951 was 333,770 tons of copper (of a total of 677,160 tons) and 228,460 tons of zinc (of a total of 460,260). By comparison, Chile, the predominant supplier in this case, received an entitlement of 2,310 tons of copper and 1,090 tons of zinc" (Paulsen 2025, 274).

While there was significant rivalry at times between North Atlantic states and corporate actors, we can identify in this example legal practices that allowed both states and firms to extract resources from newly independent states as well as formal colonies. In my argument, these legal practices are in part the result of the doctrine of recognition and its connection with struggles over resource

concessions, in the context of shifts in international legal forms and political economies at the time. My analysis also suggests that is easier to see this connection by examining rather than adopting modes of legal thought that take the form of the nation-state for granted.

B. Resource Extraction and the Monroe Doctrine

The Monroe Doctrine was a foreign policy instrument, first declared in the 1820s, in which the US denounced practices of European intervention in the Western hemisphere (Scarfi 2017; Veçoso 2020). Yet, as Fabia Veçoso observes, the doctrine conflated Latin American independence from European empires with the United States' national security (Veçoso 2020, 82). This tension between nonintervention and security was part of authorizing US hegemony in Latin America (Scarfi 2017).[5] Scholars have analyzed the Monroe Doctrine's relationship with US hegemony, critiquing its mechanisms of purported protection, or have traced efforts to reformulate the doctrine toward more ambivalent principles of Pan-Americanism (Veçoso 2020; Scarfi 2020; 2017). In this article, I build on this rich scholarship but advance a particular argument. I provide an account of the Monroe Doctrine as a legal practice that contributed to shaping a specific relationship between practices of extraction and the nation-state form. This relationship, as I will explain further, enabled North American states and companies to frame their extractive activities as different from, or even as part of resisting, European imperialism.

North American officials and lawyers, through the Monroe Doctrine, characterized US interests in Latin America as different from European ones. As the case of Anaconda shows, however, US companies often bought their mining rights directly from British merchants. British imperial trade therefore directly enabled US companies to continue and consolidate resource extraction within the territories of Latin American nation-states. For instance, at the end of the nineteenth century, British trade global dominance was waning and US hegemony was growing (Scarfi 2017, 5–7). North American companies such as Anaconda had not yet quite gained power or access to resource concessions in the form that they later would, but international merchants profited by performing an intermediary trade role between the international corporations and a Chilean elite who owned most resources after independence (Mayo 1981; Scarfi 2017). For reasons we have just seen, British merchants in particular had historically had a high degree of access to and influence over Chilean commercial activity (Fernandez 1983). Duncan Fox & Co. were one of the many British trading houses that had established business in Chile after its independence. Fox & Co. are important to my account in this article because of their place in the web of relationships that facilitated US companies acquiring concessions. Specifically, Fox & Co. sold mining rights to the Guggenheim Exploration Company. This was one of many such acquisitions by the influential American business sector at the time. In 1915, former Chilean president Ramón Barros even personally switched on the electricity supply for a Guggenheim Company copper mine from the Presidential Palace in Santiago (Méndez et al. 2021). Then in 1923, the Guggenheim Exploration Company sold these mining rights to Anaconda for $75 million (ibid.). Anaconda had been founded in Montana in the late nineteenth century and had strong links to the powerful Rockefeller family.[6] Once Anaconda bought these mining rights in Chile, their holdings grew immensely. Within ten years, Anaconda had at least four subsidiary companies with multiple mining sites (Vergara 2003). By the mid-twentieth century, Anaconda along with Kennecott Copper Corporation had almost entirely monopolized the copper sector (ibid.).

[5] Contemporarily, President Trump has proclaimed a reformulated "Donroe Doctrine" to capture ambitions of hemispheric dominance. See Grandin et al. (2026).

[6] Percy Rockefeller was a company director in the 1920s. See "Report of the Anaconda Copper Mining Company, For the Year Ended December 31st, 1927," Cecil E. Fraser Papers, Anaconda Copper Mining Co, Box 4, Folder 1, Baker Library Special Collections, Harvard Business School Archives.

My account of these significant practices of extraction draws a close link with the form of the nation-state. International lawyers are accustomed to thinking that the nation-state and its sovereignty precede jurisdiction over matters such as whether to grant resource concessions to an extractive corporation (Pahuja 2013). Indeed, the Chilean state also played a role in consolidating Anaconda's extraction from the Atacama. Yet Pahuja has shown how "from another point of view, sovereignty is a practice of jurisdiction," or a "historically specific collection of practices through which authority is exercised, and in which the categories of 'territory' and 'population' are particular forms into which life is shaped through techniques of administration" (ibid. at 70). This often occurs in "terrains that are usually uneven, already full of other people's claims of belonging, ownership, authority and law" (ibid. at 70). Part of the very definition of a nation-state according to doctrines of international law is having effective control over a territory and a population.[7] This does not leave space for multiple conflicting claims to lawful authority, authority of place, and jurisdiction. In this instance, Chile claimed the territory of the Atacama region in the 1880s after the War of the Pacific against Bolivia and Peru (Sabaté and Peres-Caíjas 2020; Hailes 2023). Chile and Bolivia were disputing, in part, access to ports and shipping routes on the west side of the Atacama region. And then, as now, international law structured the way that commodities, once extracted, would be able to circulate (Khalili 2020). At the time, copper mining had not yet expanded. As we have seen, the profitable industry in the Atacama was saltpeter and other nitrates, referred to as white gold (Köppel 2020). Today, this is also a common name for lithium (Lorca et al. 2022).

The relationship between the nation-state form and the international legal practices that shape the political economy of resource extraction is close but also complex and, at times, ambivalent (Eslava 2019; Thornton 2021; Eslava and Pahuja 2020). For instance, Chilean national leaders also granted mining concessions in the Atacama region as part of consolidating and centralizing state power over disparate areas. Specifically, mining codes adopted after independence represented the northern Atacama region as an ostensibly empty desert full of mineral and economic potential (Lorca et al. 2022). This representation pushed aside Atacameño communities and their laws, the empty legislative image of the north contrasting with the place full of existing law and life as seen by the Atacameño communities who many years later would protest the intensification of lithium mining (OPSAL 2024b). These mining codes were facilitating extraction and the generation of tradable resources for an international market (Lorca et al. 2022). Eslava and Pahuja's identification of an old developmental state explores a relevant development orthodoxy that was geared toward modernization and economic growth and was dominant until and in the postwar era (2020). In practice, the orthodoxy often resulted in a combination of external constraints on flows of capital and resources, racialized divisions of labor and control of global production and distribution of commodities that had changed very little since formal colonialism, and state leaders' internal projects to discipline purportedly unproductive sections of the population (ibid.). These practices of extraction and state-making formed an international legal order of precisely the kind that the US officials who created the Monroe Doctrine had imagined.

The Monroe Doctrine and its vision of the relationship between the nation-state and extraction was not, of course, simply imported. This vision was contested, resisted, and reformulated as part of significant struggles that continued long past the doctrine's nineteenth-century origins. These struggles over resource concessions and practices of international ordering took shape in debates about regionalism, economic sovereignty, and sovereignty over natural resources. In 1948, at negotiations in Bogotá, many Latin American states pursued international agreements that would enable their industrialization. These states were ready to collaborate with the US if significant funding was on the table, similar to the quantity connected to the Marshall Plan that was being

[7] Convention on Rights and Duties of States (Montevideo Convention), Dec. 26, 1933, 49 Stat. 3097, 165 L.N.T.S. 19.

formulated for Europe's World War II recovery at this time (Perrone 2024a). As far as the US was concerned, this amount of funding was not on the table. At this time, Latin American international lawyers and economists embraced a range of development and public finance projects. Mostly, these projects challenged the resource-exporting, investment-friendly vision of the role of extraction in the developmental state that US state and corporate actors promoted. Notably, Argentinean economist Raúl Prebisch and Brazilian economist Celso Furtado formed the Economic Commission for Latin America and the Caribbean (CEPAL) (ibid.). Institutional practice and thought at CEPAL developed concepts of core and periphery states in global trade relations, and in part prompted the development of dependency theory (Fajardo 2022). Adjacently, Mexican international lawyer Jorge Castañeda spearheaded the Charter of Economic Rights and Duties of States (CERDS) that resisted the North Atlantic view on laws governing concession contracts, disputes, and compensation, and had close connections to the NIEO project (Perrone 2024a; Quintana 2023). At the same time, the United States' 1960s "Alliance for Progress," which was designed to stem the threat of communism and Cold War tensions through limited development aid to Latin America, turned out to be geared to "set up the pillars for a friendly approach to foreign private investment" (Perrone 2024a, 533). The idea that North American extraction was different from European imperialism was losing its hold. The international legal practices that had shaped this relationship between the nation-state and extraction were being increasingly challenged by rising Third World calls for a New International Economic Order at the United Nations. This leads us to the next section.

Thus far, I have suggested that international legal practices of state recognition shaped the conditions in which Duncan Fox & Co. could acquire profitable economic interests in newly independent Chile. Further, disputed legal practices including the Monroe Doctrine continued to shape the way that these interests were bought and sold until Anaconda acquired them as protected proprietary mining concessions. Continuing to examine rather than adopt a conventional account of the nation-state form and its relationship to the corporation, the next section takes up these questions over resource concessions and legal technique in relation to the substance of the story: This is how lithium rejoins this picture.

III. The NIEO and the Supply Chain: Foreshadowing a Developmental Response

In the previous section I gave an account of how, in the 1960s, international legal practices made it possible for Anaconda to find lithium deposits in the Atacama salt flats through its copper mining operations. In this section I build on that account and trace how the conditions of this possibility were challenged by the projects and promise of the NIEO and Salvador Allende, and how this challenge prompted a retaliatory response from North Atlantic states and corporations. Indeed, after Anaconda located lithium deposits, the Chilean National Institute for Geologic Research started a feasibility study on extracting minerals from the Atacama salt flats. However, the Institute did not confirm any economic potential until 1977 (Bustos-Gallardo et al. 2021), and of course these intervening years were critical. In 1971, then-President Allende nationalized the copper industry so that Chile, rather than Anaconda, had authority over the Chilean copper industry: that is, until 1973 and Allende's removal from office by the notorious coup that brought General Augusto Pinochet to power.

This section advances the core of my argument in this article: that what we now think of as the lithium supply chain first took shape as legal practices that were part of a concerted effort by states and corporations from the North Atlantic to suppress challenges to the existing international legal order by leaders of the then–Third World. It builds on the previous section's account of the unstable relationship between resource concessions, practices of extraction, and the form of the

nation-state in practices of international legal ordering. This relationship was complex for various postcolonial leaders (Thornton 2022). Yet two aspects of the project to create a new international legal and economic order are particularly relevant in coming to grasp how the activities that we now call the lithium supply chain take shape. These aspects crystallized most clearly in legal argument and practices concerning Permanent Sovereignty over Natural Resources (PSNR) and just prices for commodities. Practices concerning resource sovereignty and just prices ruptured the existing relationship between practices of extraction and the form of the nation-state. The Monroe Doctrine and the doctrine of recognition were no longer working to underpin Anaconda's and other corporations' resource concessions. Over the next several subsections, I explain how this rupture took shape, and with what effect.

A. PSNR, Nationalizations, and Compensation

The NIEO had roots in the alliances forged through the Bandung Conference in 1955, which brought together politically diverse postcolonial states from Asia and Africa to discuss matters of political and economic solidarity (Anghie 2015; Eslava et al. 2017). International terms of trade were a strong focus of these growing institutional efforts. Understanding the scale and detail of the NIEO project is critical to comprehending the North's dramatic response. As Anghie describes, Henry Kissinger, an extremely influential US Secretary of State, "began a concerted campaign to organize the rich against the poor" (2015, 146). In this context, development would serve as a deradicalizing project (Özsu 2024). In my argument, the supply chain is a crucial part of this picture, which we can see by analyzing PSNR, just prices, and what happens to Anaconda and lithium extraction in the Atacama.

The idea of Permanent Sovereignty over Natural Resources was that states would be able to freely extract, use, or sell natural resources within their territories (Kulamandayil 2022).[8] Yet as we have seen, the relationship between the resource concession and practices of international ordering often meant that independent nation-states were subject to colonial concession agreements. In this case, if a state wanted to reassert control over or nationalize a key export sector, such as copper in Chile, international legal practices of compensation stipulated that the state would have to pay significant compensation to the corporation that held the concession.

The standard for such compensation had been determined during a period of struggle several decades before the idea of PSNR emerged (Perrone 2025; Greenman 2021). Indeed, compensation for investment was, in Pahuja's words, one of the "stickiest" parts of the Global North's response to PSNR, as a matter of legal technique and authority as much as any other factor (2011, 160). Andrea Leiter has traced how what we now know as international investment law draws upon a long history of arbitral practice that "remov[ed] jurisdictional authority over contracts from the domestic level and elevat[ed] it to the international plane" (Leiter 2023, 1). This relied on a common international legal separation between economic and political spheres, and also rests on longstanding highly racialized civilizational hierarchies that were attached to particular forms of private law. International lawyers "elevated the status of the sanctity of contract and acquired rights to the international sphere by asserting them as 'general principles recognized by civilized nations'" (ibid. at 23). British international lawyers were central in formulating investment protection in the international domain in the first part of the twentieth century, in large part because of Britain's economic dominance at this time.

[8] UN General Assembly, Resolution 1803 (XVII), Declaration on Permanent Sovereignty over Natural Resources, A/RES/1803 (Dec. 14, 1962).

The idea of PSNR, therefore, entailed more than the use of natural resources. It challenged existing finance, trade, and labor relationships. It also challenged practices of international legal ordering and the relationship between the form of the nation-state and practices of extraction that had facilitated Anaconda's concessions. There was even legal debate at the time as to whether the implications of PSNR would "void colonial concessions" (Kulamandayil 2022, 173). As Vasuki Nesiah reminds us, the struggle for the NIEO was animated by more than economic thinking—it was deeply connected to anticolonial resistance to racial hierarchies and their authorization (Nesiah 2023).

Salvador Allende's decision to nationalize the Chilean copper sector was a prominent part of practices of PSNR and of challenging this relationship between the nation-state and practices of extraction (Pahuja and Saunders 2019). Allende's principal lawyer tasked with nationalizing Chile's copper industry was Eduardo Novoa Monreal. Novoa Monreal escaped the violence of the coup and imposition of Pinochet's regime, as he was based in Paris preparing for a legal battle with copper companies over the nationalization program (Fernandes Carvalho and Roriz 2023). His extensive critique of the laws governing compensation contested the way the Global North cast nationalizations as expropriations of investors' property. Indeed, before the coup that installed Pinochet's regime, Allende was applauded in the UN General Assembly for promising to incorporate "excess profits" into any calculation of compensation the Chilean government was said to owe US mining companies (Whyte 2019, 101). This would mean that the large copper companies, like Anaconda and Kennecott, would be indebted to the Chilean government, rather than the other way around. Allende's practices of international law were deeply connected to wider struggles of the South, and he had once described his role as an "interpreter of great yearnings for justice" (Vázquez Guevara and O'Hara 2023). Yet the efforts to quash the NIEO and its challenges to imperial legacies and US hegemony were substantial. As Jessica Whyte describes, the US, being "alarmed" by "Chile's domestic policies, . . . devoted substantial funding and efforts to sabotaging Allende's progress" (2019, 102). Officials were very anxious to prevent the actualization of Allende's projects and, in particular, "the US Treasury secretary, John Connally, argued that preventing a snowballing trend of expropriations across Latin America and the Caribbean required that Chile be made an example" (ibid. at 102).

Declassified documents reveal that the British state also supported the coup based on its interests in access to Chilean copper (Curtis 2023). And it was not only states in the North that struggled to displace the NIEO and claims to PSNR. Anaconda and its rival, Kennecott Copper Company, were also opposed to nationalizing the copper industry and rewriting an international economic order in which they had a prominent role.[9] Indeed, after the coup, the Chilean state under Pinochet paid Anaconda compensation for the copper mines that had been nationalized two years earlier, in line with international legal protections for investment (*New York Times* 1974).

As we can therefore see, it was not only commercial mining interests that were challenged and then reconsolidated through the 1970s and 1980s. Questions of transnational political economy and international law loomed large. There was not yet an established market for electronics products or electric vehicles with lithium batteries, made through an outsourced and dispersed mode of production. But I will argue that the enabling legal architecture—enmeshed with debt, finance, divisions of labor, and resource extraction—can be traced back to these moments of struggle before supply chains as a concept were necessarily discussed in corporate boardrooms. In my analysis, this presents us with more problems to grapple with than decarbonization or critical mineral acquisition. Practices of corporate extraction, international legal ordering, and developmental state-making are also relevant, and they are tied up with not only a neoliberalized

[9] Kennecott was the opponent in Novoa Monreal's Paris litigation. See Fernandes Carvalho and Roriz (2023).

political economy but the suppression of a political and legal project that challenged neocolonialism. The next subsection elaborates on this point by focusing on legal practices of just prices.

B. Just Prices, Alternative Fuels, and the Beginning of the Supply Chain

The argument for just prices was that states should receive an equitable share of the revenue derived from resources extracted from their territories (Dietrich 2017). It was therefore related to PSNR, and also challenged the existing terms of international trade and finance. In particular, it threatened the practices of extraction by foreign corporations that had often set up operations under previous colonial regimes. As Christopher Dietrich has written,

> The sovereign rights challenge to the structure of the international economy had always been an existential one; unequal exchange questioned the basic dogma of comparative advantage, and permanent sovereignty was etched into international law to create "just" prices that reflected the "real" value of oil and other raw materials. All that was wrapped in a universal understanding of the deeply exploitative history of colonialism. (2017, 265)

Dietrich is referring to one particularly contested instance of resource pricing: the coordinated action of the Organization of Petroleum Exporting Countries (OPEC) to pry some control over oil pricing from multinational and often formerly imperial oil companies (Pahuja and Storr 2017). The resulting high oil prices, often called the oil crisis, had political dimensions and long historical and colonial contributing factors beyond oil production and access to energy. We can see in the records of early G7 meetings that the assembled leaders were extremely anxious to prevent this coordinated price-control system from being applied to any other commodities exported by the Global South. The leaders who gathered for these meetings understood that practices of just pricing had implications for ordering international authority and did not merely comprise distributing profits. Former Secretary of State Henry Kissinger told one meeting of officials that it was essential to "cooperat[e] to separate moderate and radical OPEC and stop more 'pecs' from forming in primary producers."[10] Indeed, the North Atlantic response took the form of doubling down on debt conditionalities and reshaping the international order in line with growing neoliberalism, with devastating impacts. As Pahuja has observed, complying with the conditions of the International Monetary Fund was seen as equally important to, if not more important than, a state's actual capacity to service debts (Pahuja 2004).

The rise of OPEC had spurred Northern interest in energy sources beyond oil, and discussions on alternative fuels and nuclear energy proliferated.[11] There was significant interest in extracting lithium for energy. Michael Stanley Whittingham, an engineer working for the oil company Exxon, even developed the molecular foundation for lithium batteries during struggles for oil pricing in the 1970s (ExxonMobil 2023). Yet it was still the Cold War, and because lithium was then thought to have nuclear potential it also had military significance. The Cold War conditioned the possible practices of international law, extraction, and the nation-state (Craven et al. 2019). Jonas Köppel has observed that lithium as a strategic material was "globally policed and stockpiled" because "in those days, mining lithium in Latin America, in the backyard of the hegemon, was virtually impossible" (2020, 37). So in 1979 the Chilean state, following US recommendations, declared lithium a strategic mineral of national interest (Bustos-Gallardo et al. 2021; IEA 2025). This was not the same process that nationalizing the lithium industry would have been because the junta's

[10] Note of the Third Session of the Heads of Government Conference at the Chateau de Rambouillet on Sunday 16 November 1975 at 4.15p.m., 16 Nov. 1975, TNA, PREM 16/838, via the Margaret Thatcher Foundation, "The G7 Summits," https://margaretthatcher.org/document/110943.
[11] Note of the Third Session, 16 Nov. 1975, TNA, PREM 16/838.

mining and market-friendly approach to lawmaking in the 1980s welcomed rather than rejected foreign capital investment (Whyte 2019). However, it did mean that there were only two companies that could own lithium-extraction rights (Bustos-Gallardo et al. 2021). These companies were contemporary Chile-based chemical company Sociedad Química y Minera (SQM), which is now partly owned by Tianqi Lithium Company, and Albemarle, a US company (Lorca et al. 2022). Indeed, lithium extraction on a large scale only became politically possible after the Cold War. By that time, increased supplies of oil made extracting lithium less appealing for many state and corporate actors. Lithium was not extracted in significant quantities until the emergence of the electronics industry in the 1990s (Köppel 2020).

Given this context, the conventional account of the lithium supply chain goes something like this. A lithium supply chain might have emerged during the oil crisis, but security interests overrode economic ones. Only when security concerns subsided, and consumer demand for electronic products grew, did a supply chain emerge. This conventional account conceptualizes the supply chain as something that just happens, provided the conditions are right. It naturalizes the supply chain, and certainly does not connect it to the international legal practices and struggles that have been the subject of this article thus far. This might seem surprising, given the centrality of these international legal practices to almost everything that happened in the lead-up to intensifying lithium extraction. But, as I will argue further, states and corporations from the North Atlantic had refashioned modes of legal thought as well as legal practices to re-enable corporate concessions. The effect of this refashioning of legal ordering was twofold. First, the Global North sabotaged the NIEO. One part of this sabotage was forming the supply chain and embedding it as part of the international legal order. Second, legal thought on the nation-state form made the connection between international legal practices and the supply chain harder to see.

Legal practices of PSNR and just pricing carried significance beyond individual nations' resource sectors and the companies that profited from them or the laws that international tribunals chose to govern their disputes. Fundamental changes to the web of authority over commodity supply and pricing and the resulting volatility in political pressure and financial markets threatened, as far as certain North Atlantic actors were concerned, the very fabric of the international legal order—its purpose and their ability to hold influence within it. Because Allende's copper nationalization program had taken on international significance, North Atlantic actors both state and corporate had joined forces with right-wing sections of the Chilean military and political establishment to conspire in ousting Allende from the presidency. But to stem further threats to international legal practices from which these state and corporate actors drew substantial benefit, they embarked on a broader project to refashion the legal practices that had held Anaconda's resource concessions in place. As we saw with Kissinger's comment to the nascent G7 in the previous paragraph, the concern expressed was that particular challenges to the established international order—from OPEC, or from Allende's copper nationalization—could undo much more than specific corporations like Anaconda's resource concessions and entitlements. That is, regional solidarity from the Global South could undo international legal practices of commodity pricing, the supply of resources to the global market, and the relationship between the nation-state and extraction. This is what Kissinger termed the threat of other "pecs" forming.

What was at stake for the Global North was that the existing international legal order had been upended. The Monroe Doctrine and the doctrine of state recognition were no longer sufficient to prevent further upheaval to the relationship between resource concessions, extraction, and the nation-state form. Even if states such as Chile had been independent for over a hundred years before the particular struggles of the 1970s, the widespread breaking up of other empires and the proliferation of independent nation-states around this time added to the international pressure.

Reformulated legal ordering would be required to stabilize the way that North Atlantic actors could shape the possibilities of the developmental state.

In the account I have given so far, it is hard to discern a stable or preexisting economic form that has been separate from struggles over the international legal order. This is a more specific argument than a general observation that global legal and economic forms are entwined. Rather, the argument traces how to approach and denaturalize the activities that we now think of as the lithium supply chain and what is at stake in doing so. Examining rather than adopting a simple definition of a concession as a contract between a state and a private actor, I suggest, enables us to see a fuller picture of the international legal practices that have constrained and disciplined the developmental state over time. This examination complicates an understanding of the lithium supply chain as a preexisting economic form that law regulates, or even a stable economic form that law has incentivized and enabled.

The constituent practices and activities of the lithium supply chain, therefore, did not simply emerge once the electronics industry and then the electric battery and vehicle industry found global market demand, as a neoliberal account of the seamless movement of resources would have it. In my argument so far, the practices of authorization over lithium extraction are juridical practices held in place by the legal form of the resource concession. Indeed, the resource concessions that have enabled the supply of lithium, copper, and nitrate from the Atacama to the global market have been held in place by international legal ordering designed to suppress the potential for decolonizing states gaining independence to use the nation-state form to force structural change onto the international economic order. The lithium supply chain, in my account, is not simply an economic form that meets law in regulatory or incentivizing ways. Comprising vast and complex activities and practices, it is embedded within the international legal order. In the terminology of this article, the practices of international legal ordering that make up the lithium supply chain take shape with the North's efforts to suppress the NIEO, but are profoundly shaped by a series of antecedent international legal practices.

C. Embedding the Supply Chain and Remaking the Developmental State

In this subsection, I advance the argument that states and corporations from the North Atlantic embedded a form of production and distribution we now call a supply chain in the international legal order to suppress further challenges from leaders like Allende to the relationship between the nation-state form and practices of extraction. I start this subsection by outlining how the new developmental state would become an important element of what we now call the supply chain. The transition from an old centralized developmental state charged with modernization to the new, more decentralized and flexible, developmental state found roots in the upheavals of the 1970s and legal practices of PSNR and just pricing. As Eslava and Pahuja observe of the developmental state, both old and new, "for international institutions, and more particularly for the U.S. government, the project of modernization from 'within' was linked to an ambition to expand liberal elites and build national institutions—including the military—to pacify an agitated and rapidly decolonizing Global South" (Eslava and Pahuja 2020, 123). Indeed, it would not have been possible for North Atlantic state and corporate actors to rely on the ostensibly rapid, unencumbered, and efficient circulation so prevalent in neoliberal imaginations of what a supply chain is and does if projects of PSNR and just prices had continued to transform patterns of extraction, production, circulation, waste disposal, and profit accumulation in the global economy. When agitation against formal empire reached global heights in the mid-twentieth century, challenges to imperial and neoimperial political, economic, and legal forms brought into being rival projects of international legal ordering and authority through many forms including PSNR and just pricing. PSNR and just prices were, in this sense, "jurisdictional practices rival to the idea that

decolonization was confined to the form of an independent state within the existing international economic order and from within the confines of the old developmental state," which often had a subordinate role to the ongoing operations of colonial corporations (Eslava et al. 2023; Getachew 2019).

The developmental state, in my account of the supply chain's development and relationship to law, was remade in response to PSNR and just pricing. This remaking was operationalized through shifts in development funding and advice. As Eslava and Pahuja outline, the idea of the new developmental state was not one of economic growth through centralized industrial production, like the old developmental state (Eslava and Pahuja 2020). The ideal new developmental state, in the vision of development institutions, welcomed multinational private capital through reducing regulations on the environment and labor. This extensive development project ushered into being the financialized, decentralized mode of commodity trade that has rendered multiple forms of life expendable to circuits of extraction, production, and circulation (Eslava et al. 2023). Development institutions and North Atlantic actors remodeled legal practices of debt conditionality and investment protection to embed resource concessions as a legal form that was underpinned by this new emerging international legal order (Pahuja 2004). Joshua Barkan has observed that "structural adjustment programs associated with the Washington Consensus have equated corporate-led privatization, deregulation, foreign direct investment, and liberal corporate governance with national fiscal health" (Barkan 2013, 1–2). These practices shaped a renewed relationship between the nation-state and practices of extraction. They operated in a similar way to how the doctrine of recognition and the Monroe Doctrine had shaped the form of the nation-state and practices of extraction and their relationship to the previous international order. As Vasuki Nesiah has pointed out, debt is not only an economic tool; it also works to "steer our attention in one direction rather than another," that is, "debt works to focus our attention on the obligations of the indebted rather than on that coercive world order" (Nesiah 2022, 159-60).

The renewed relationship between the form of the nation-state and practices of extraction displaced other ways of organizing the trade or use of resources. In other words, forming the new developmental state secured a way of organizing trade and resources that was similar in its distributive effects to the one that would have authorized Anaconda to extract lithium if there had not been any interruption—that is, the formation that was challenged through PSNR and just pricing. We could say that the supply chain was embedded into the international legal order by the new developmental state to suppress or prevent future political and legal challenges.

Actualizing the new developmental state comprised more than practices of debt conditionality; it also comprised modes of thought and knowledge production about the benefits of changing state regulation to favor foreign investors and the free movement of goods and capital. In such developmental knowledge production, these questions are not readily connected to struggles over the international legal order, but are simply presented as facts (Pahuja 2013). This mode of knowledge production was successful in many respects. It has, in my analysis, also naturalized the idea of a supply chain as an economic fact that simply emerges once there is enough demand for lithium for electronic products, for instance. But we do not have to take the form of the supply chain for granted in projects that focus on acquiring and extracting lithium for batteries. We can still think differently about the intensification of the constituent practices of the lithium supply chain, and how contemporary energy transition initiatives risk authorizing, renaturalizing, strengthening and re-creating practices designed to suppress political alternatives.

IV. Conclusion

In 1977, Anaconda Copper was bought by Atlantic Richfield, an oil company that became a subsidiary of BP in 2000 (US EPA n.d.). BP was formed through British colonial oil extraction, and came to particular notoriety for the Deepwater Horizon oil spill in the Gulf of Mexico in 2010 (Pahuja and Storr 2017; US EPA 2025). In a particularly revealing way, BP's website professes a regional focus on the North Atlantic for its work on the energy transition. The website has several sections entitled "Backing Britain" and "Investing in America" (BP 2022; BP 2025). Corporate-state alliances such as this are now a common feature of the energy transition in the Global North (Riofrancos 2023). This article has suggested that such alliances, or overlapping exercises of authority, have long shaped the acquisition and extraction of commodities from the Atacama region in Chile that now include lithium. Moreover, predominant conceptions of the form of the nation-state, including a clear separation between the corporation and the state, make it harder to apprehend what I am calling practices of international ordering and how they have been formed and authorized. Indeed, these modes of thought make it easier to imagine, assert, and naturalize a singular lithium supply chain, and obscure the myriad plural practices of ordering and their antecedents that hold in place neocolonial relationships of extraction. International legal institutions may assert that a different international legal and economic order is not required: More lithium and more supply chain policy are sufficient for a just transition. My principal argument has been that if we take the form of the lithium supply chain and its relationship with international legal practices for granted, we may miss an opportunity to contest this assertion and, perhaps, to begin to remake the transition.

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