



SOUTH AFRICAN HUMAN RIGHTS COMMISSION

INFRASTRUCTURE VANDALISM AS A HUMAN RIGHTS CRISIS

Copper Cable and Scrap Metal Theft, Regulatory
and Enforcement Gaps, and the Erosion of
Socio-Economic Rights

POLICY BRIEF

September 2026

HUMAN RIGHTS
A JUST SOCIETY
A BETTER SOUTH AFRICA

For Parliamentary and Governmental Consideration

1. Introduction and Mandate

The South African Human Rights Commission (SAHRC) issues this policy brief pursuant to its constitutional mandate under section 184 of the Constitution of the Republic of South Africa, 1996, and the South African Human Rights Commission Act 40 of 2013. The Commission is empowered to monitor, investigate and report on the observance of human rights, and to secure appropriate redress where violations occur.

Section 7(2) of the Constitution further requires the State to respect, protect, promote and fulfil the rights in the Bill of Rights.

The Commission does not seek to assume the functions of law enforcement agencies, prosecutors, municipalities or state-owned entities. Rather, its role is to identify the human rights implications of infrastructure failure, sabotage or damage; assess whether legislative, regulatory, enforcement and service-continuity measures adequately protect affected communities; and recommend measures that strengthen accountability, prevention, coordination and rights-based service delivery. This policy brief focuses on the theft and trafficking of copper cables and scrap metal from public infrastructure. Although routinely framed in economic and law-enforcement terms, infrastructure theft and vandalism create a human rights crisis because they repeatedly disrupt access to constitutionally protected services. Where the State fails to take reasonable and effective measures to prevent foreseeable harm, enforce the law, restore services and protect affected communities, constitutional responsibility may arise.

Communities already living at the margins of service delivery bear the greatest harm. This policy brief reframes the problem accordingly and proposes concrete recommendations for legislative, regulatory and accountability action.

2. The Scale of the Problem

Available evidence demonstrates that infrastructure vandalism and metals theft are persistent, large-scale threats to the infrastructure through which essential services are delivered. Their impact cannot be understood solely as property crime or economic loss. The cumulative effect is the systematic destruction of infrastructure through which constitutional rights and essential public services are realised:

- Economic damage from copper theft alone has been estimated to be over R45 billion annually (Genesis Analytics, commissioned by DTIC).¹

¹ Genesis Analytics (Commissioned by the Department of Trade, Industry and Competition). *Research on the Illicit Copper Economy in South Africa*. Cited by the dtic, 2022/2023. <https://www.gov.za/blog/metals-theft#:~:text=The%20economic%20damage%20of%20copper%20theft%20alone,theft%20of%2039.4%20km.%20of%20copper%20cable.>

- The Commission's own investigative work has repeatedly revealed infrastructure vandalism and copper theft as underlying drivers of service delivery failures. As recently as June 2026, OR Tambo District Municipality in the Eastern Cape informed the Commission that vandalism and copper theft were significant contributors to the deterioration of water infrastructure and ongoing disruptions to water services experienced by affected communities.
- Eskom reported year-to-date losses of R221 million as of mid-2025, compared with R271 million in the prior year, while continuing to identify theft and vandalism as threats to continuous electricity supply and public safety.²
- 4 633 km of copper cable was looted from Transnet Freight Rail between the 2020 financial year and October 2023 (Minister of Public Enterprises, Parliament).³ Further, in a single week in April 2022, Transnet recorded 123 attacks on rail infrastructure, including the theft of 39.4 km of copper cable.⁴
- Between 2017 and 2021, cable stolen from Transnet rail lines increased from 120 km to 724 km annually; incidents rose from under 2 000 to nearly 4 500.⁵ In February 2026, however, the President reported significant improvement: the total length of cable stolen from Transnet infrastructure had declined from 180 km in 2024 to 59 km in 2025.⁶
- The transnational character of illicit copper markets is also evident from a June 2026 multidisciplinary investigation involving SAPS Crime Intelligence, Interpol and Border Police concerning approximately 121 tonnes of suspected stolen copper transported across borders. A subsequent operation at City Deep resulted in the seizure of 26 bundles of copper valued at approximately R12.68 million.⁷

The illicit metals economy operates at different levels, from opportunistic theft to organised criminal networks, receiving dealers and, in some cases, insider facilitation. Effective policy must therefore address the full value chain rather than concentrating enforcement only on persons physically removing infrastructure.

² Eskom Holdings SOC Ltd. (2025). *Theft and vandalism of Eskom's infrastructure remain a major threat to continuous electricity supply and public safety*. Media Statement. <https://www.eskom.co.za/theft-and-vandalism-of-eskoms-infrastructure-remain-a-major-threat-to-continuous-electricity-supply-and-public-safety/>

³ Minister of Public Enterprises. (2024). *Written Reply to National Assembly Question NW5473*, Parliament of South Africa. <https://pmg.org.za/committee-question/24780/>

⁴ Department of Trade, Industry and Competition (the dtic). (2022). *Policy proposals on measures to restrict trade in ferrous and non-ferrous metals waste, scrap and semi-finished ferrous and non-ferrous metal products*.

Government Gazette No. 47197, General Notice 1205. Pretoria: Government Printer.

https://www.gov.za/sites/default/files/gcis_document/202208/47197-gen1205.pdf

⁵ Department of Trade, Industry and Competition (the dtic). (2022). *Draft Policy Proposals on Measures to Restrict and Regulate Trade in Ferrous and Non-Ferrous Metals Waste, Scrap and Semi-Finished Products*.

Portfolio Committee Briefing. https://static.pmg.org.za/220822_-_PC_Scrap_Metal_to_circulate.pdf

⁶ The Presidency, Republic of South Africa. (2026). President Cyril Ramaphosa: Reply to Debate on the 2026 State of the Nation Address, 19 February 2026.

⁷ <https://www.sanews.gov.za/south-africa/police-seize-stolen-copper-worth-more-r12-million-city-deep>

3. Human Rights Analysis

Infrastructure vandalism has direct and compounding effects on the enjoyment of constitutional rights. The Commission's concern extends beyond the underlying criminal conduct to the adequacy of the State's response to foreseeable and recurring rights impacts:

3.1 Right of Access to Sufficient Water (Section 27)

Municipal water infrastructure, including pumping stations, the electrical supply to water-treatment works and pipeline systems, is a primary target. Vandalism produces service interruptions that fall hardest on communities without backup capacity, including informal settlements, rural households, clinics and schools. This analysis should be read together with the Commission's 2025 policy brief, *How to Address Systemic Sabotage of Essential Water Infrastructure*, which examines organised attacks on water infrastructure and the resulting threat to the constitutional right of access to water.

Recurring infrastructure failure also requires attention to the adequacy of contingency measures and the speed with which affected communities receive alternative water and restored services.

3.2 Right to Electricity and Housing Services (Section 26)

Although the Bill of Rights does not contain a freestanding right to electricity, electricity is an important basic municipal service and is integral to the practical enjoyment of other rights and services such as the right to housing. Cable theft causes interruptions beyond scheduled outages. For households without alternative supply, a vandalised electricity network can affect heating, refrigeration, communications, water supply and the operation of medical equipment.

3.3 Right to Basic Education (Section 29)

Schools across South Africa are not immune. Cable theft from school electrical infrastructure causes closures, disrupts examinations, poses health and safety risks and disproportionately affects learners who are in some of the most under-resourced educational environments in the country. The right to basic education under section 29(1)(a) is immediately realisable and is not subject to progressive realisation or available-resources qualification.

3.4 Right to Health Care Services (Section 27)

Clinic and hospital infrastructure is dependent on uninterrupted power. Where Eskom and municipal supply is disrupted by theft, healthcare delivery is compromised, including cold chain maintenance for vaccines, surgical and emergency capacity, and record-keeping systems.

3.5 Right to Equality and the Unequal Distribution of Harm (Section 9)

The estimated annual economic cost of R45 billion captures aggregate national damage, but not its unequal distribution. The harm falls most heavily on communities

least able to absorb service interruptions and with the fewest alternatives when infrastructure fails. Wealthier households are more likely to insulate themselves through generators, boreholes and private security. Infrastructure vandalism therefore has a disproportionate impact on poor, rural and informal-settlement communities, deepening existing inequality and undermining the equal enjoyment of socio-economic rights. The constitutional promise of progressive realisation is impaired not only by failures to expand access, but also by the destruction of infrastructure already provided.

4. The Existing Regulatory Framework and Its Gaps

South Africa has a substantial legislative and policy framework. The principal challenge is now the effectiveness, completeness and coordination of its implementation and enforcement.

4.1 Criminal Matters Amendment Act 18 of 2015

The Act criminalises conduct involving essential infrastructure, which includes infrastructure relating to energy, transport, water, sanitation and communications. Section 3 criminalises the unlawful and intentional tampering with, damage to or destruction of essential infrastructure, as well as collusion or assistance in such conduct, and permits imprisonment of up to 30 years.⁸ The policy question is therefore not simply whether serious offences exist, but whether investigation and prosecution effectively reach organised networks, receivers and facilitators.

Recent prosecutions demonstrate that the statutory framework can produce substantial criminal sanctions. In May 2026, the Lephalale Regional Court sentenced two offenders to eight years' direct imprisonment each for tampering with and damaging essential infrastructure following an investigation by the SAPS Waterberg District Economic Infrastructure Task Team. These outcomes demonstrate the practical use of the existing enforcement framework, while leaving open the broader policy question of whether enforcement consistently reaches organised networks, receivers and facilitators across the illicit metals value chain.⁹

4.2 Second-Hand Goods Act 6 of 2009 (SHGA)

The SHGA regulates second-hand goods dealers and recyclers. Although the Act contemplates registration of both buyers and sellers of scrap and waste metal, this requirement has been enforced against buyers but not sellers. Draft amendments to the Regulations for Dealers and Recyclers published for public comment in July 2024 propose:

⁸ See

https://www.gov.za/sites/default/files/gcis_document/201512/39522act18of2015criminalmattersamendact.pdf

⁹ South African Police Service. (2026, 12 May). Two accused sentenced to eight years imprisonment each for tampering with essential infrastructure in Lephalale.

<https://www.saps.gov.za/newsroom/msspeechdetail.php?nid=62177>

- Extending registration requirements to sellers of scrap copper and semi-finished copper products;
- Mandatory monthly electronic reporting to the International Trade Administration Commission (ITAC) by volume, value, and identity of seller;
- Restricting all copper transactions to registered entities, effectively closing off informal "bucket shop" trading;
- Tax compliance as a condition of registration; and
- Mandatory electronic payment for scrap-metal transactions.

The July 2024 draft regulations have not yet been finalised. On 26 August 2026, Cabinet announced that it had approved a Second-Hand Goods Amendment Bill, 2026 for publication for public comment, specifically identifying infrastructure vandalism, cable theft and the unlawful scrap-metal trade among the regulatory gaps the Bill is intended to address. At the date of publication of this brief, however, the Commission has not identified a gazetted publication of the Bill for public comment. The Commission accordingly welcomes the announced legislative intention, but remains concerned by the delay between policy announcements and the finalisation and implementation of regulatory reform.

4.3 Export Controls and the Price Preference System

Government initially imposed temporary export prohibitions on ferrous and copper scrap as part of its phased response. The present framework includes ITAC export controls and the Price Preference System, under which scrap intended for export is first made available to domestic consumers subject to prescribed requirements. The Price Preference System remains operational and actively administered: ITAC continued publishing updated ferrous and non-ferrous scrap-metal summaries during 2026, including summaries effective from 14 September 2026. The continued operation of these trade controls does not, however, displace the need for effective domestic traceability, dealer regulation, investigation and prosecution.¹⁰

4.4 Enforcement Initiatives

The Non-Ferrous Crime Combating Committee (NFCCC) coordinates provincial enforcement strategies. The NFCCC is a long-standing, specialized structure in South Africa tasked with tackling the illicit metal trade. It coordinates intelligence and tactical interventions between the South African Police Service (SAPS), Business Against Crime South Africa (BACSA), and major State-Owned Enterprises (Eskom, Transnet, and Telkom). It is the primary body that drives compliance with the Second-Hand Goods Act. Gauteng's provincial crackdown closed 1 079 non-compliant scrapyards

¹⁰ International Trade Administration Commission of South Africa (ITAC). (2026). Price Preference System: Ferrous and Non-Ferrous Scrap Metals summaries effective 14 September 2026. <https://itac.org.za/export-control/price-preference-system/>

by February 2025¹¹. A dedicated Rail Enforcement Unit of 100 officers operates in the Western Cape¹². These interventions demonstrate the value of coordinated and specialised enforcement. The Commission's concern is whether comparable, intelligence-led capacity and regulatory enforcement are consistently available across provinces and municipalities facing high levels of infrastructure theft.

Recent enforcement activity in the Eastern Cape illustrates both the scale of infrastructure-related offending and the value of multidisciplinary operations. In July 2026, an operation involving the Mount Ruth Rapid Rail Unit, Transnet and Ndevana SAPS resulted in two arrests and the recovery outside Qonce of suspected stolen Transnet infrastructure valued at approximately R10 million, including overhead track equipment, railway rails, transformer batteries and damaged copper. The operation demonstrates the potential value of coordinated intelligence and operational partnerships, while reinforcing the need for sustained provincial enforcement strategies.¹³

5. Recommendations

The Commission tables the following recommendations for Parliament and the relevant executive departments:

Recommendation 1: Recognise Infrastructure Vandalism as a Human Rights Crisis

Parliament and the relevant Portfolio Committees should formally acknowledge infrastructure vandalism as a human rights crisis and not merely an economic or security matter. The Commission recommends:

1. That the relevant Portfolio Committees, including Trade, Industry and Competition; Police; Transport; Electricity and Energy; Water and Sanitation; and Cooperative Governance and Traditional Affairs, convene a joint parliamentary engagement on the human-rights dimensions of infrastructure vandalism, with the SAHRC participating in an advisory capacity.
2. That future parliamentary briefings on cable theft include a mandatory human rights impact assessment, disaggregated by province and community type.

¹¹ Gauteng Department of Community Safety. (2025). *Provincial Law Enforcement Operations and Compliance Monitoring Report: Second-Hand Goods and Scrap Metal Dealers Industry*. Johannesburg: Gauteng Provincial Government.

¹² City of Cape Town, Western Cape Government, & PRASA. (2018, October 29). *Western Cape deploys enforcement unit to protect rail commuters and infrastructure* [Media Statement]. South African Government Portal. <https://www.gov.za/news/media-statements/western-cape-deploys-enforcement-unit-protect-rail-commuters-and>

¹³ <https://www.sanews.gov.za/south-africa/operation-shanela-nets-over-1-800-suspects-various-offences>

Recommendation 2: Accelerate Second-Hand Goods Regulatory Reform

The July 2024 draft regulations remain unfinalised. The Commission further notes Cabinet's August 2026 announcement approving a Second-Hand Goods Amendment Bill, 2026 for publication for public comment, but that at the date of this brief no gazetted publication of the Bill has been identified. The Commission recommends:

3. That the Second-Hand Goods Amendment Bill, 2026 be published for public comment without further delay, and that the July 2024 draft regulations be finalised with a clear implementation timetable by no later than 31 December 2026.
4. That SAPS report quarterly to the relevant Portfolio Committee on registration compliance rates, enforcement actions taken, and registrations revoked.
5. That municipalities undertake an audit of infrastructure vandalism incidents and their impacts on service delivery, with particular attention to water, sanitation, electricity, and transport infrastructure in vulnerable communities.

Recommendation 3: Target Organised Networks, Not Only Low-Level Offenders

Enforcement cannot stop with persons physically removing infrastructure. The structure of the illicit metals economy requires sustained attention to organised networks, receiving dealers, facilitators and illicit financial flows. The Commission recommends:

6. That Parliament requests the National Prosecuting Authority, within the bounds of its constitutional independence, to report on whether existing prosecutorial strategies adequately address organised infrastructure-related crime, including syndicate activity, receiving stolen infrastructure materials, and related money laundering offences.
7. That coordination between SAPS, the NPA, the Financial Intelligence Centre and relevant regulators be strengthened to ensure that investigations and prosecutions target organised criminal networks and not only low-level offenders.
8. That Parliament request SAPS and the Hawks (Directorate for Priority Crime Investigation) to report on the adequacy of existing investigative capacity dedicated to organised infrastructure vandalism, copper-theft syndicates and illicit scrap-metal networks. Where gaps are identified, Parliament should consider whether additional resources, inter-agency coordination or specialised investigative capabilities are required.
9. That SAPS provide for suspension, review and, where statutory grounds are established following a lawful process, revocation of registrations of dealers involved in receiving or trading stolen infrastructure material.

Recommendation 4: Mandate Cashless Transactions

Cash transactions reduce traceability and can facilitate the movement of stolen metal through apparently legitimate transactions. The Commission recommends:

10. That the SHGA amendments include a mandatory cashless payment requirement for all copper scrap transactions, with electronic records retained for a minimum of five years.
11. That the Financial Intelligence Centre be directed to monitor suspicious patterns in scrap metal transactions and report to SAPS and ITAC.

Recommendation 5: SOE and Municipal Accountability as Rights Obligations

Eskom, Transnet, PRASA and municipalities are not merely economic actors managing security risk; they are organs of state with constitutional obligations relating to service delivery. The Commission recommends:

12. That Eskom, Transnet and PRASA be required to report annually to Parliament on anti-theft infrastructure investment, cable-replacement timelines and community impact assessments, framed explicitly as service-delivery and human-rights obligations rather than only as corporate-security metrics.
13. That municipalities be required to include infrastructure vandalism response plans in their Integrated Development Plans, with specific attention to water and sanitation infrastructure in informal settlements, including contingency measures for prolonged service interruptions.
14. That the Department of Cooperative Governance and Traditional Affairs (CoGTA) monitor and report on municipal compliance with infrastructure protection obligations.

Recommendation 6: Address the Poverty-Crime Nexus Without Excusing the Crime

The Commission is alert to the structural conditions that may contribute to low-level theft. This is not an argument for impunity, but for proportionality and holistic intervention:

15. That the Department of Social Development develop targeted intervention programmes in high-incidence communities, including livelihoods support and addiction treatment referral pathways, in coordination with SAPS.
16. Enforcement measures should distinguish between organised criminal networks and vulnerable persons drawn into low-level offending, while ensuring appropriate social, substance-use and livelihood interventions are available in affected communities. This does not diminish criminal accountability.

Recommendation 7: Impose Human Rights Due-Diligence Obligations on the Scrap-Metal Value Chain

The illicit scrap metal economy cannot be addressed through criminal enforcement alone. Scrap metal dealers, recyclers, transporters, exporters and other businesses in the metal value chain have a responsibility to ensure that their operations do not contribute to human rights harm. In line with the UN Guiding Principles on Business and Human Rights, businesses should conduct human rights due diligence, verify the

lawful origin of scrap metal, maintain transparent records, and avoid purchasing materials where there is a risk that they derive from stolen public infrastructure.

17. The Commission recommends that regulatory reforms should include clear obligations on dealers and recyclers to identify, prevent and mitigate human rights risks in their supply chains. This includes record-keeping, seller verification, traceability, reporting of suspicious transactions, and cooperation with law enforcement and regulators.

Recommendation 8: Eastern Cape-Specific Action

The Eastern Cape presents a compounded challenge: high infrastructure vulnerability, acute governance deficits at municipal level, and communities with limited capacity to absorb service interruptions. The Commission recommends:

18. That the Eastern Cape provincial government conduct a dedicated audit of infrastructure vandalism incidents and their service delivery impacts, to be submitted to the SAHRC within 120 days of adoption of these recommendations.
19. That Buffalo City Metropolitan Municipality and Nelson Mandela Bay Metropolitan Municipality report to the SAHRC on scrapyards compliance and enforcement within their jurisdictions, including the number of registered dealers, inspections conducted, non-compliance identified and enforcement action taken.

6. Conclusion

South Africa has a substantial legal and policy architecture addressing copper-cable theft and illicit metals trading. The central challenge is the continuing gap between announced policy, finalised regulation, implementation and consistent enforcement. Measures proposed years ago remain incomplete, while affected communities continue to experience the consequences of infrastructure destruction and interrupted services.

Communities that lose access to water because a pump station has been stripped, or to essential services because electricity infrastructure has been vandalised, are not experiencing a mere inconvenience. Their enjoyment of constitutional rights is being materially impaired. The destruction may originate in criminal conduct, but the constitutional inquiry does not end there: where recurring and foreseeable disruption is met by inadequate prevention, protection, restoration or contingency measures, constitutional accountability may arise. The South African Human Rights Commission stands ready to support Parliament, the Executive, and affected municipalities in giving these recommendations operational effect, including through its constitutional monitoring, investigative, reporting and advisory functions.

*For further engagement, contact the SAHRC Eastern Cape Provincial Office.
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