



Embassy of the Bolivarian Republic of Venezuela to the United States

DEMOCRACY AND THE MEDIA IN VENEZUELA

Myths and Facts about RCTV and TVes

On May 27, 2007 the broadcast license of Radio Caracas Television (RCTV), a privately owned Caracas-based television broadcaster, expired. The Venezuelan Government opted not to renew the license, granting it instead to a new public service television broadcaster, TVes, which focuses on programming created by national independent producers. The decision to not renew RCTV's broadcast license has been misunderstood and misinterpreted, as has the purpose of TVes. Below are some important myths and facts on the case.

MYTH: The decision not to renew RCTV's broadcast license will have a negative impact on Venezuela's democracy.

FACT: First, it is important to clarify that RCTV was not shut down – it merely lost its access to the public broadcast spectrum. RCTV, as a national producer, still maintains the capability to broadcast via cable¹, satellite, and internet and on two radio frequencies, 92.9 FM and RCR AM. Additionally, RCTV announced that its news programs would be carried by Globovision, another private broadcaster.² A last controversy found that though RCTV is legally considered a national producer, it is not fulfilling its legal obligations as a cable-based national broadcaster according to national laws and regulations. However, the Supreme Court ruled in favor of RCTV in this controversy.

Second, the overwhelming majority of Venezuela's media outlets remain in private hands – of the 81 television stations, 709 radio broadcasters and 118 newspapers throughout Venezuela, 79, 544 and 118, respectively, are privately owned and operated. All told, over 80 percent of all publicly available television and radio stations are in private hands.

Third, while the private ownership of the media in Venezuela would seem to indicate that there exists a plurality of voices, a large part is owned by a small number of corporate groups with multiple economic and political interests – resulting in a virtual media monopoly. This has led to a situation in which, according to a *New York Times* editorial writer, “even the best news outlets tend to be openly ideological and there is no American-style separation of news and opinion, so the owners' views can permeate reporting. Many publications offer only news designed to further the owners' personal or political agenda.”³ This concentration of ownership and the blurring of the division between news and opinion has limited access to diverse viewpoints, giving existing media owners a disproportionate amount of power to shape the political and economic agenda in Venezuela. By granting a public service television station access to the broadcast spectrum, national independent producers of all political leanings will have the space with which to air their programs, thus expanding the number of voices available to the Venezuelan people.

MYTH: The Venezuelan Government did not renew RCTV's license because of its critical opinions of President Chávez, and will do the same with other broadcasters.

FACT: Venezuela's media enjoys the freedom to report, analyze and express opinions on issues of importance without government interference. Most, in fact, vibrantly and stridently express their opposition to the government, and do so without any threats or consequences. Even a cursory

¹ “TV channel critical of Chávez back on air”, *Financial Times*, July 15, 2007.

² “Por Globovision, Noticiero RCTV,” *Univision/EFE*, June 7, 2007.

³ “The Monochromatic Media of Latin America,” *New York Times*, May 7, 2001.



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glance on the websites of the major newspapers and television stations shows the freedom with which journalists can express themselves. To date, no newspaper or television station or radio broadcaster has been shut down based on its political views or opposition to President Chávez. Similarly, no journalists have been imprisoned or punished for doing their work.

The Constitution of 1999 lists the freedom of expression, the freedom of the press and the freedom of information as fundamental liberties to be protected by the government. As Bart Jones, a longtime correspondent for the Associated Press wrote in an op-ed published in the *Los Angeles Times* on May 30, 2007, “Radio, TV and newspapers remain uncensored, unfettered and unthreatened by the government. Most Venezuelan media are still controlled by the old oligarchy and are staunchly anti-Chávez.”⁴

On the other hand, the Venezuelan government was fully transparent in the reasons for which RCTV’s broadcast license was not renewed. First, RCTV exceeded its prescribed role as a media outlet when it supported the April 2002 coup against President Chávez by distorting coverage and refusing to air information regarding Chávez’s return.⁵ Second, the decision not to renew RCTV’s license took into consideration its long record of violating broadcasting regulation, one dating back to 1976 and spanning various administrations. Third, given that a constitutional mandate exists promoting the creation of a public service television station, the decision was made to not renew RCTV’s license because it occupied the highest quality part of the broadcast spectrum, one which would best serve a public service broadcast station like TVes.

MYTH: The Venezuelan Government is illegally shutting down RCTV.

FACT: As in almost every country, the broadcast spectrum is a finite resource that is regulated by the government with the aim of promoting the public interest. The spectrum is public property, and like all property of its kind, must be regulated in order to balance the needs of broadcasters against the needs of the public. The International Telecommunications Union has recognized this right, noting that “it is the sovereign right of each state to regulate its telecommunications sector.”

In Venezuela, Article 156 of the Constitution of 1999 and various articles of the Organic Law of Telecommunications give the government the power to grant and regulate access to the broadcast spectrum based on public interest standards and other broadcast regulations. The latter law clearly defines a license to use the broadcast spectrum as “a unilateral administrative act by which Conatel [the national telecommunications agency] grants or renews for a limited time a specific segment of the broadcast spectrum to a person or entity with due consideration of the requirements as established by law.” Similarly, Article 80 of the Regulation of the Organic Law of Telecommunications on Administrative Concessions and the Use of the Broadcast Spectrum stipulates that, “Consideration of any renewal will take into account the full compliance with the obligations related to the respective license.”

As Patrick McElwee of Just Foreign Policy noted in an article on the RCTV case, laws dating back to 1987 – before President Chávez came to power – give the Executive Branch the authority to unilaterally act on broadcast licenses.⁶ Similarly, the Washington Office on Latin America has

⁴ Jones, Bart. “Hugo Chávez versus RCTV,” *Los Angeles Times*, May 30, 2007.

<http://www.latimes.com/news/opinion/la-oe-jones30may30.0.1061242.story?coll=la-opinion-center>

⁵ Andrés Izarra, “El golpe desde la cabina 12 de RCTV,” *Chavez y los medios de comunicacion social*, Marinellys Tremamunno, ed. (Caracas; Alfadil Ediciones, 2002), p. 84.

⁶ McElwee, Patrick. “Is Free Speech Really at Stake? Venezuela and RCTV,” *Commondreams.org*, May 23, 2007. <http://www.commondreams.org/archive/2007/05/23/1405/>



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recognized, “the government’s decision was legal, under current Venezuelan law governing the administration of the airwaves.”⁷

MYTH: No other country applies these public interest standards to radio and television broadcasters.

FACT: Almost all countries do. In fact, there have been over 166 license non-renewals in 21 countries based on public interest standard considerations – at least 28 for television stations and 138 for radio stations.

In the case of the United States, laws have long established standards by which all broadcasters would adhere to in order to keep their access to the broadcast spectrum. The Radio Act of 1927 made clear that the airwaves were public property and that all broadcasters using them would have to serve the “public interest, convenience and necessity.” The Communication Act of 1934, which established the Federal Communications Commission (FCC), similarly detailed a public interest standard by which applications for access to the broadcast spectrum would be judged. The 1996 Telecommunications Law restated this standard, and the FCC has regularly denied license renewals based on it.

In an op-ed published in the *New York Times* on June 2, 2007, FCC Commissioner Michael Capps notes, “We [the FCC] require that broadcasters serve the public interest: devoting at least some of their airtime for worthy programs that inform voters, support local arts and culture and educate our children – in other words, to aspire to something beyond just minimizing costs and maximizing revenue.”⁸

MYTH: RCTV didn’t do anything to violate Venezuela’s public interest standards.

FACT: Unfortunately, RCTV has consistently fallen short of its obligations and responsibilities to the Venezuelan people. Since 1976, RCTV has been fined and sanctioned by various administrations for a number of violations, including airing pornographic materials and prohibited cigarette advertisements. In one particularly disturbing incident, RCTV’s management slanted its daily coverage to provide support to a coup d’état against President Chávez and his elected government in April 2002. As Bart Jones noted in the *Los Angeles Times*, “After Chavez was elected president in 1998, RCTV shifted to another endeavor: ousting a democratically elected leader from office.”⁹

RCTV participated in what has come to be known as the world first “media coup,” and consequently prohibited its correspondents from airing news and information the coup was failing.¹⁰ Such information was vital to the survival of the country’s elected government and institutions – the provisional junta had abolished the National Assembly, the Supreme Court and the constitution – and would undeniably have served the public’s interest in the state of their government and elected leaders. In making this decision, RCTV denied the Venezuelan people their right to be informed – a right recognized by Article 13 of the American Convention on Human

⁷ Washington Office on Latin America, “WOLA Criticizes Venezuela’s of RCTV License Non-Renewal,” May 30, 2007. <http://www.wola.org/media/WOLA%20Statement%20on%20RCTV%20May%2030%202007.pdf>

⁸ Capps, Michael. “The Price of Free Airwaves,” *New York Times*, June 2, 2007.

⁹ Jones, Bart. “Hugo Chávez versus RCTV,” *Los Angeles Times*, May 30, 2007.

<http://www.latimes.com/news/opinion/la-oe-jones30may30.0.1061242.story?coll=la-opinion-center>

¹⁰ Andrés Izarra, “El golpe desde la cabina 12 de RCTV,” *Chavez y los medios de comunicacion social*, Marinellys Tremamunno, ed. (Caracas; Alfadil Ediciones, 2002), p. 84.



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