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LEGAL FRAMEWORKS AND REGULATORY CHALLENGES IN SPACE TOURISM

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Abstract

The current Space law is not sufficient to solve new problems in this sector, where space tourism is growing rapidly. Most of the most important international space law was created during the Cold War and focusing only for the governments. This leads to many differences in the legal system, particularly the rights of space tourists responsible for space tourists who can create their own space operations in other countries and other countries. Additionally, the mechanism of the mechanism must be determined to resolve legal disputes with the responsible person in other circumstances. In this document, he emphasizes the need to harmonize National Space Law, using model rules for objects such as licensing, insurance, and security. This will make the situation clear and accessible to all who are equally affected. This article also covers potential legal and ethical questions. This is due to new technology, spatial waste and damage to the spatial environment. This issue highlights the need for future legislation while maintaining long-term security and spatial environments. Ultimately, this study shows that legal changes are needed at a good time to ensure a safe, fair and well-organized expansion of space tourism.

Chapter 1: Introduction

1.1 Background and Importance

Space tourism, Dreams for many people is now becoming a reality, with companies like SpaceX, Blue Origin, and Virgin Galactic already sending people to space. This shows that space tourism is no longer something only governments handle but also accessible for public. Through private companies, now people can travel to space, at least for short trips. In the future, traveling space for long are also possible.

Because of this, the fast growing industries, there is a need for proper legal system. Most space laws present today are still based on old international agreements like the **1967 Outer**

Space Treaty²⁶¹. These were made when only countries were involved in space regulations. They did not take any development for the private companies or tourists space tourism. So, there are many legal challenges occur in the present time, like who is responsible if something goes wrong, how to protect space tourists, and which country's law should apply. For a country like **India**, which is developing nation which also having a development in space, these legal questions are very important.

1.2 Aim of the Study

The main aim of this study is to look at the current international laws that deal with space

²⁶¹ *United Nations Treaties and Principles on Outer Space* (United Nations 2002).

tourism. It will check if these laws are good enough to manage the industry Present and in the future. This research will also study how countries like the **United States**, the **European Union**, and **India** handle legal matters related to private space companies.

Another goal is to understand the problems in the current legal system. For example, who will take responsibility if there is an accident? How will the rights of space tourists be protected? What can be done to improve the law? Based on these questions, the study will try to suggest changes that can help make space tourism safer and better regulated.

1.3 Research Questions

To guide the research, the following questions are asked:

- Are the current international space laws enough for future space tourism?
- What are the legal rights of space tourists? Are they protected like astronauts?
- How are private space companies' rule are regulated in different countries, and what can we learn from them?

1.4 Research Method

This study is based on **doctrinal research**, which means reading and studying existing laws, treaties, and writings by experts. A **comparative method** is also used to see how countries like **India**, **USA**, and the **EU** deal with space law. Since there are not many real-life legal cases in this field yet, the study will focus more on legal ideas and policies.

1.5 Scope and Limitations

This research will only cover international space law and the national laws of India, the USA, and the EU. It will not investigate technical or business matters of space tourism. One major focus on the legal structure of space tourism, so there are very few actual legal cases. Also, the old treaties were made when private space

travel was not expected, so it is hard to apply them directly to today's situation.

Chapter 2: How Space Tourism Evolve and What the Law Says About It

2.1 What is Space Tourism

Space tourism is all about the public, where they can travel to the for exploring the space, for fun, adventure or just for curiosity. We can see a large changes, where only scientists and trained astronauts had the opportunity to travel to the space for the research purpose. Now, it slowly becoming possible for the public too, where people can book the ticket and go to the space if they can afford it

Space tourism is mainly of three types:

- **Suborbital tourism** – Where the public can go above Earth's atmosphere, about 100 kilometres up. They cross the edge of space, experience a few minutes of weightlessness, and then head back down. Companies like Blue Origin and Virgin Galactic are already done it²⁶².
- **Orbital tourism**– This is a whole different level it's when the public can go into orbit and circle the planet. They can stay up there for days or even weeks, often visiting the International Space Station (ISS). SpaceX has already carried out missions like these, making space travel more accessible than ever.
- **Lunar tourism** – This means going around or to the **Moon**. Right now, no one has done this as a tourism, but companies like SpaceX are planning to do it.

Each of these types needs different rules. A small trip above Earth is not the same as a Moon trip. So, we need different type of new laws which cater to handle these different types of space travel. As technology is moving fast, the law also needs to evolve

²⁶² Mark Strassmann, 'Space Tourism Is Establishing a New Frontier in Travel. Here's What to Know about Suborbital Flights' *CNN* (14 April 2025) <<https://www.cbsnews.com/news/space-tourism-suborbital-flights-blue-origin-virgin-galactic-spacex/>>.

2.2 Which Companies Are Doing Space Tourism

In the past, only governments like **NASA (USA)** or **Roscosmos (Russia)** did space related activities. But now, private companies coming up with space tourism.

Some of the main companies are:

SpaceX has already taken regular people to space. Back in 2021, they launched a mission called Inspiration4²⁶³, where four private civilians are gone into the space, in earth orbit, which is big step into the space tourism

Blue Origin, the company was started by Jeff Bezos, offers quick trips to space with their rocket, New Shepard.²⁶⁴ It takes people to the edge of space and brings them back.

Virgin Galactic, started by Richard Branson, it focuses on short trips, but they use a spaceplane instead of a rocket. Branson himself joined one of their flights.

Governments are collaborating with the companies like SpaceX and others it's called public-private partnership. For example, NASA teams up with SpaceX to send astronauts and supplies essentials to the space station. These kinds of partnerships help to save the money and improve the technology, but there rise questions like if any disaster or anything happens, who are responsible for that

Earlier, countries were competing each other for going to space. Now, companies and billionaires are also competing each other. This makes the legal situation even more complex.

2.3 Private Companies and Legal Problems

Earlier, only national space agencies like NASA did space missions. But now, private companies are also doing space mission especially space tourism. This transition has created many legal complications.

The Outer Space Treaty (OST) -1967 is the main international law that governs space related activities. But this treaty was made when only governments went to space, so the law is made for the Nations. According to it, each country is responsible for what their private companies do in space. So, if a private company causes harm, the country it belongs to is blamed.

The Outer Space Treaty (OST) -1967 also says no country can own any part of space or in the Moon. But the treaty does not talk about space tourism. It does not say what rights tourists have or what to do if something uncertainty happens during the trip. For example, if someone gets hurt, who is responsible for? Should tourists be treated like customers on flights, or they need to voluntarily accept full risk? The **USA** has made some national laws like **Commercial Space Launch Competitiveness Act, 2015**²⁶⁵. This law allows US companies to keep space resources they collect and gives them some legal protection. But this law only works in the USA.

India, on the other hand, does have a proper law on space. The **Draft Space Activities Bill, 2017** is still waiting to be passed. So Indian companies do not have a proper legal system to work under.

There is also the problem of **jurisdiction**. If a crime or accident happens in space, whose law will apply? Right now, there is no clear rule. Air travel laws don't apply in space, and space law does not clearly talk about tourist rights or anything happens in space.

Other concerns are about **insurance** and **consent**. Tourists usually sign waivers before going. But if something unexpected or serious happens, what will the court say? Right now, no court has given any judgment in such cases. So, there are many unclear areas in space law.

²⁶³ SpaceX, 'INSPIRATION4 MISSION' (18 September 2021) <<https://www.spacex.com/updates/>>.

²⁶⁴ 'New Shepard', *Wikipedia* <https://en.wikipedia.org/wiki/New_Shepard>.

²⁶⁵ 'U.S. COMMERCIAL SPACE LAUNCH COMPETITIVENESS ACT - 2015' <<https://www.congress.gov/114/plaws/publ90/PLAW-114publ90.pdf>>.

Chapter 3: International Legal Framework for Outer Space

In this chapter, we will look at how international laws handle space activities and why they are not ready for today's space tourism development. These laws mainly originated back the Cold War during the 1960s and 1970s. Back then, it was mostly powerful governments like the US and USSR sending astronauts and scientist into the space. private companies and tourists are not ready for exploring the space. But nowadays, companies like SpaceX, Blue Origin, and Virgin Galactic are making public to travel into the space. This change raises several legal questions that the old international laws can't able cover all aspect of current scenarios.

3.1 The Outer Space Treaty, 1967

The Outer Space Treaty -1967 is basically the big deal when it comes to international rules about space. It was signed back in the day by many countries, including the US, Russia, and the UK, and still sets the ground rules for how we handle outer space²⁶⁶. According to this treaty:

- Outer space, including the Moon and other celestial bodies, is open for everyone to use.
- Don't allow to own any part of space and other bodies
- Space is only used for Science and Communication
- Exploring the space will help the humans, not just one country

This treaty was created when only trained astronauts went to the space, and all mission are led by the government. It doesn't cover private space travel or space tourism. Nowadays, people go to space just for fun, but this treaty doesn't mention anything about their safety, rights, or responsibilities. It's also not clear what should happen if a private space trip goes wrong, or if a tourist gets hurt or even dies. Who would be responsible? The treaty doesn't really answer these kinds of questions.

²⁶⁶ 'The Outer Space Treaty, 1967' <https://media.nti.org/documents/outer_space_treaty.pdf>.

3.2 The Liability Convention, 1972

This treaty was made to decide who is responsible if a space object causes damage. According to it:

- If a space object causes damage on Earth, then it is fully responsible by the countries who launched
- If the damage happens in outer space, then the launching country is only responsible if it is proven that they were at fault.

This rule is useful when countries launch rockets or satellites, but in the case of space tourism, things become complicated²⁶⁷. For example:

- So, if a private company like SpaceX takes someone to space as a tourist and that person face any complications, who is Responsible? Is it the company itself or the concerned authority?
- Can the tourist directly file a legal case, or can only the government raise the issue?

The treaty does not answer for this question. Also, the difference between "fault-based" and "absolute" liability is confusing when applied to tourism. There is a need to update this treaty to include tourists and private companies properly.

3.3 The Rescue Agreement, 1968

This agreement says that if astronauts are in trouble for example, if they crash land in another country or need help then other countries must assist them and bring them back safely. It also says countries should help rescue astronauts in space if needed²⁶⁸.

However, the word "astronaut" is not clearly defined in this agreement. It does not say whether space tourists are also considered

²⁶⁷ 'Convention on International Liability for Damage Caused by Space Objects' <<https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/liability-convention.html>>.

²⁶⁸ 'Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space' <<https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/rescueagreement.html>>.

astronauts. Today, normal people, who are not trained astronauts, are going to space. If a tourist faces an emergency or crash lands in another country, will they get help under this agreement? We do not know for sure, and that is a legal gap. This may make problem if the tourist not getting to protect during accidents or emergencies

3.4 Other Treaties and Their Limitations

There are some more treaties related to outer space:

- **The Registration Convention, 1976**²⁶⁹: This treaty says countries should give information about space objects which they launch, like name, purpose, and orbit. But not having the proper rules for private companies or how tourists' missions are protected.
- **The Moon Agreement, 1979**²⁷⁰: This treaty saying the Moon and its uses belongs to everyone and must be used for right purposes. It's also the talks about rules for resources sharing and how they used in future. But this agreement is so weak because the major space power like the USA, Russia, and China have not signed it.

None of these treaties have no proper legal structure, how to deal with space tourism. Where it does not mention and legal clarifications about accidents during commercial flights, environmental damage from rockets, or how private companies should be controlled. The rules are old and do not match today's space reality.

3.5 Role of the United Nations

In UN there is an office called UNOOSA, which stands for the United Nations Office for Outer Space Affairs. This body helps countries

cooperate in using outer space peacefully. UNOOSA also supports the development of space laws and offers advice to countries.

UNOOSA has put together some voluntary guidelines to help keep space traffic organized and cut down on space junk. Because of these guidelines, the law is not provided properly for the countries and private sectors, they don't have to follow them mandatorily. This creates problems, where private companies work only for profit and not focusing on safety. If there is no proper rules, then Dominating countries and Private companies may misuse the outer space and problems further

3.6 Conclusion

In conclusion, we can say that the international legal system for space is still old and incomplete. The main space treaties were made before private space tourism existed. So, they do not have proper rules for commercial space travel, the rights of tourists, or the responsibility of private companies. Today, space tourism is growing fast, and we need proper laws to protect rights of passengers and ensure fair and peaceful use of space. Countries must come together and create new international laws that match the present and future of space activities.

Chapter 4: National Legal Approaches

In this chapter, we will look into how different countries are making rules and bodies to handles the space tourism industry. Since the space tourism are new, lots of countries are making laws for space and space tourism, where the countries like US are top on this game, while other country like India are just started to come up with the plans. We will also look how private companies need to control.

4.1 United States

The U.S. is the first countries which allowing the private companies to take part of space activities. The government helps these companies, when it's comes to space tourism and exploring new worlds, there is a law which helped to make this all happened that is

²⁶⁹ 'Convention on Registration of Objects Launched into Outer Space' <<https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/registration-convention.html>>.

²⁷⁰ 'Agreement Governing the Activities of States on the Moon and Other Celestial Bodies' <<https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/moon-agreement.html>>.

Commercial Space Launch Competitiveness Act of 2015. Because it is a lighter to burn the fuel for private companies and American citizens to explore and use space resources

The main agency in charge of all this is the FAA. Inside the FAA, there is a special office called Office of Commercial Space Transportation or AST. They are issuing licenses to the companies and makes them to follow the safety regulations. There's also a rule called the "learning period." During this time, the FAA doesn't enforce strict safety rules. This is to give companies some time to test and learn as they go.

4.2 European Union and the European Space Agency (ESA)

In Europe making a common space law is difficult because, each and every country having different rules and regulation accordingly

For example: -

- France has a law called the French Space Operations Act from 2008.²⁷¹ It follows clear steps for getting licenses, dealing with insurance, and figuring out who's responsible violation of rule
- The UK, there is a Space Industry Act from 2018²⁷² which having laws for space activities

The European Space Agency, or ESA, is not the technically part of the European Union, it still plays a major role in Europe's space field. Mostly, ESA is all about scientific missions and helping its members. While it doesn't set the laws for the industries like space tourism, it does support private companies by sharing technology and research. There is one issues because in Europe there is lack of common rules and regulations, which make loopholes for the different companies to work from different companies accordingly with their interests

4.3 India's Legal and Policy Framework

India's still new to space tourism. All the mission are run by the governmental organisation through ISRO. But the things are started changing because private companies are showed interest towards the space

Back in 2017, they come up with the draft bill called the Space Activities Bill. This bill allowing the private companies to operate, handling the risk involved and setting insurance rule. Still officially it does not become law. The bill also gives the government a lot of control, which is good for safety but also showing the companies to come up with or investing in this field.

To support private space companies, India has made two new bodies:

- **IN-SPACE**,²⁷³ which helps and regulates private companies.
- **NewSpace India Limited (NSIL)**,²⁷⁴ which is the business wing of ISRO and may also help in future space tourism work.

Although the government is showing interest, the delay for enacting the law is a big issue. India needs a proper and clear legal system if it wants private companies to enter space tourism with confidence

4.4 Private Sector Regulation

All the private companies in all countries need permission before they launch anything into space. This permission is important for safety and environmental reasons. To get a license, companies usually have to submit:

- Technical plans,
- Safety details,
- Insurance documents.

Insurance plays a big role when it comes to private space companies. Countries like the U.S., U.K., and France to have insurance coverage. If

²⁷¹ 'French Space Operations Act from 2008' <<https://www.unoosa.org/documents/pdf/spacelaw/sd/France.pdf>>.

²⁷² 'Space Industry Act from 2018' <<https://www.unoosa.org/documents/pdf/copuos/lsc/2018/tech-01.pdf>>.

²⁷³ 'Indian National Space Promotion and Authorisation Centre' <https://en.wikipedia.org/wiki/Indian_National_Space_Promotion_and_Authorisation_Centre>.

²⁷⁴ 'NewSpace India Limited' <https://en.wikipedia.org/wiki/NewSpace_India_Limited>.

anything goes wrong during a launch or flight, this insurance helps cover the costs.

Now, expanding private space tourism, lots of companies are entering into this field. But without clear rules in place, things can get risky safety issues or lack of legal complications. That's why it's important for countries to enact solid laws that encourage innovation while also keeping people safe and protected.

Chapter 5: Key Legal and Regulatory Challenges

5.1 Legal Status of Space Tourists

One of the main problems is how can interpret the legal status of space tourists.

One of the main problems is deciding what legal status space tourists should have. The **Outer Space Treaty of 1967** says astronauts are "envoys of mankind" and should be protected, especially during emergencies. But it does not clearly mention astronauts.

Space tourists are normal people who pay to travel to space. They are not trained professionals. So, it is not clear if they should get the same protection as astronauts.

The **Rescue Agreement of 1968** talks only about rescuing astronauts, not tourists. This means there is no proper law to protect the space tourists in case of any accident occurs. Right now, the safety of space tourists depends mostly on the law of the country where the space company is based. There is no strong international law to protect them.

5.2 Liability and Risk

Another important issue is who will be responsible, if anything happens. The **Liability Convention of 1972** says that the country which launches the space object is responsible for any damage within the Earth or in other countries, but it does not clearly mention who is responsible when the damage happens in space. Sometimes a private company may be registered in one country but launch a rocket from another. This makes it confusing to decide who will pay for the damage.

Some countries, like the United States, make space tourists to sign a form called **informed consent**. This form says that the tourist understands the risks and voluntarily participating the trip. This helps protect the company, but it also means tourists may compromise their legal rights. Also, when people from different countries are involved, these agreements may not work the same everywhere.

5.3 Jurisdiction and Solving Disputes

Jurisdiction means which country's laws will be followed. This is a problem in space tourism because one spacecraft may involve many countries. For example, the spacecraft might be built in one country, launched from another, and carry people from different countries. It becomes hard to know which country's laws should apply.

Also, there is no proper way of method to solve legal problems or disputes in space tourism. Right now, countries mostly use **diplomatic talks** or go to the **Permanent Court of Arbitration**, but these are not always helpful for tourists. There is no fixed laws or legal regulations for solving space tourism problems.

One possible solution is to create a special **international legal body** only for space tourism issues. This would make it easier to solve problems better way

5.4 Environmental and Safety Issues

Space tourism isn't just about exciting trips but also hurt the environment and pose safety risks.

Every time a rocket blasts off, it leaves behind the broken rocket pieces. These scraps can end up hitting other spacecraft and causing problems, but honestly, there is no proper laws like international law at present to handle the issue.

The UN's Committee on the Peaceful on the Uses of Outer Space has come up with some guidelines, but companies have the freedom, whether they must follow or not.

Rockets release chemicals into the atmosphere, which can damage the ozone layer and pollute the environment. As more and more rockets take off, these issues could become even worse. Right now, there is not a common law to protect environment from the effects of space tourism, so we might need some new rules, which help to stop this issue happens in future.

5.5 Data Protection and Cybersecurity

Space tourism totally depends on tech, which often data from travellers. If this data ever gets hacked, it could cause some serious issues not just for the travellers but also for national security. Right now, there's not clear international rules to keep personal info safe in space travel. Some places, like the European Union, have strong laws like GDPR, but those rules might not really cover space activities or companies from other countries. Plus, it gets complicated when a spacecraft enter another territory airspace, who is responsible for data protections? That kind of confusion can create some real risks.

Cybersecurity is another issue. If someone hacks into a space system, it could mess with safety or security on a large scale. Sadly, there's no proper law to prevent the cybersecurity in space, so we need a strong law to protect data of the travellers and protection for cybersecurity

Chapter 6: Suggestions and Conclusion

6.1 Summary of Findings

This study showing the current international space laws, which are not capable to deal with space tourism. Treaties like the Outer Space Treaty (1967), the Rescue Agreement (1968), and the Liability Convention (1972) are only made for the countries. These laws are not focusing on the private companies for space tourism

Because of that, these laws do not explain who a space tourist is, what rights they have, or what happens if there is an accident. There is not proper way to follows the rule and regulations, another problem is all countries have rules and regulations. For example, US has made a las on Space tourism, but many countries have not,

which creates confusion and legal complications. It also makes a problem in safety and rights of tourist.

6.2 Recommendations

To improve the legal system for space tourism, the following steps should be taken:

(a) Make a New International Law for Space Tourism

There should be a new international law that talks about space tourism and private space activities. This law should define, space tourist is, what legal rights they have, and who is responsible if something goes wrong. Its law should also include rules for private companies about safety, insurance, and solving disputes. The United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS) should create a committee for making this law. It can be like the Montreal Convention²⁷⁵ that is used in air travel.

(b) Make National Laws Similar

Right now, different countries have different rules for space activities. This makes complex for companies and tourists. Countries should try to bring their space laws in line with each other. UNCOPUOS can give a common set of rules or a basic guide that countries can follow to make their own laws better.

(c) Create a Model Law for Licensing and Liability

A model law should be created which countries can follow if they want. This model law should include:

- How space companies will get licences,
- What kind of insurance they needed,
- Who is responsible in case of an accident,
- What safety checks and technical rules companies must follow.

²⁷⁵ 'Montreal Convention' (1999)
<https://en.wikipedia.org/wiki/Montreal_Convention>.

This will help reduce confusion and make space travel safer and more reliable.

6.3 Future Outlook

In the future, space law will face new types of challenges. Technology is growing fast like robots, artificial intelligence, and self-controlled spacecraft. We will need to ask, if a robot or AI causes harm in space, who will be blamed?

There are also environmental problems. Space tourism could increase space pollution and cause harm to the Earth's environment. So, future laws should focus to prevent environmental protection

Another important part is human rights. Even though people choose to travel to space, their safety and privacy must be protected.

There is also a question of affordability. Right now, only rich people can afford to go to space. In the future, should governments try to make it cheaper and open to more people?

6.4 Conclusion

To conclude, the current laws are not applicable for the growing space tourism industry. They are old, confusing, and different from others. If changes are not done, it could lead to many legal problems in the future.

So, there is a quick need for a new international treaty, better national laws, and clear legal rules for private space activities. Space is no longer only for scientific missions. It is now becoming a place for business and travel purpose. Just like we have proper rule in Earth, we must need to make proper laws for activities in space too.

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